ARTICLE 14 AREAS AND ACTIVITIES OF STATE INTEREST

TABLE OF CONTENTS

_		
DIVISION 1	GENERAL	14-1
Section 14-101	Purpose	14-1
Section 14-102	Authority	
Section 14-103	Applicability	
Section 14-104	Findings	
Section 14-105	Designated Matters of State Interest	
Section 14-106	Exemptions	14-5
Section 14-107	Relationship to Other Regulations	
Section 14-108	Severability	14-7
DIVISION 2	DESIGNATION PROCESS FOR AREAS AND ACTIV	
	STATE INTEREST	14-8
Section 14-201	Applicability of Designation Process	14-8
Section 14-202	Board of County Commissioners to	
	Make Designation	14-8
Section 14-203	Effect of Determination,	
	Moratorium Until Final Designation	14-8
Section 14-204	Public Notice and Designation Hearing by	
	Board of County Commissioners	14-8
DIVISION 3	PERMIT APPLICATION AND REVIEW PROCESS	14-12
Section 14-301	Permit Required	14-12
Section 14-302	Permit Authority Established	
Section 14-303	Pre-Application Conference and Materials	14-13
Section 14-304	Levels of Permit Review and Determination of	
	Level of Review	
Section 14-305	Consultant and Referral Agency Review	
Section 14-306	Major Permit Review Process	
Section 14-307	Technical Revisions and Permit Amendments	
Section 14-308	Review of Major Facilities of a Public Utility	14-21

DIVISION 4	PERMIT APPLICATION SUBMITTAL REQUIREMENTS14-24
Section 14-401	Description of Submittal Requirements14-24
Section 14-402	Additional Submittal Requirements Applicable to Mineral Resource Areas14-36
Section 14-403	Additional Submittal Requirements Applicable to
	Natural Hazard Areas14-37
Section 14-404	Additional Submittal Requirements Applicable to Historical, Paleontological and
	Archeological Resource Areas14-38
Section 14-405	Additional Submittal Requirements Applicable to
	Natural Resource Areas –
	Significant Wildlife Habitat14-38
Section 14-406	Additional Submittal Requirements Applicable to
	Natural Resource Areas –
<u> </u>	Shorelands of Major Publicly-Owned Reservoirs 14-39
Section 17-407	Additional Submittal Requirements Applicable to
0 11 11 100	Land Use in Areas Around an Airport or Heliport 14-40
Section 14-408	Additional Submittal Requirements Applicable to
0	Areas Around Major Facilities of a Public Utility 14-41
Section 14-409	Additional Submittal Requirements Applicable to
	Development in Areas Around Interchanges Involving Arterial Highways14-41
Castian 11 110	
Section 14-410	Additional Submittal Requirements Applicable to Development in Areas Around Rapid or
	Mass Transit Facilities14-42
Section 14-411	Additional Submittal Requirements Applicable to
36011011 14-411	Site Selection and Construction of Major New Domestic
	Water and Wastewater Treatment Systems, and
	Major Extensions of Existing Domestic Water and
	Wastewater Treatment Systems14-43
Section 14-412	Additional Submittal Requirements Applicable to
000001111112	Major Facilities of a Public Utility14-43
Section 14-413	Additional Submittal Requirements Applicable to
	Municipal and Industrial Water Projects
Section 14-414	Additional Submittal Requirements Applicable to
	Site Selection and Development of
	Solid Waste Disposal Sites

Section 14-415	Additional Submittal Requirements Applicable to Site Selection for Airport or Heliport
	Location or Expansion14-45
Section 14-416	Additional Submittal Requirements Applicable to Arterial Highways, Interchanges and
	Collector Highways14-47
Section 14-417	Additional Submittal Requirements Applicable to
	Stations and Terminals
Section 14-418	Additional Submittal Requirements Applicable to
	Fixed Guideways 14-49
DIVISION 5	PERMIT APPROVAL STANDARDS14-49
Section 14-501	Application of Standards14-49
Section 14-502	Basic Approval Standards
Section 14-503	Additional Standards Applicable to
	Mineral Resource Areas14-52
Section 14-504	Additional Standards Applicable to
	Natural Hazard Areas14-53
Section 14-505	Additional Standards Applicable to
	Areas Containing or Having Significant Impact on
	Historical, Paleontological or
_	Archaeological Resources
Section 14-506	Additional Standards Applicable to
	Natural Resource Areas
Section 14-507	Approval Standards Applicable to
0	Areas Around Airports and Heliports14-56
Section 14-508	Additional Standards Applicable to
Castian 44 500	Areas Around Major Facilities of a Public Utility 14-63
Section 14-509	Additional Standards Applicable to Areas Around Arterial Highways, Interchanges
Section 14-510	and Collector Highways
36011011 14-310	Areas Around Rapid or Mass Transit Facilities 14-64
Section 14-511	Additional Standards Applicable to
360001114-311	Site Selection and Construction of Major New Domestic
	Water and Wastewater Treatment Systems and
	Major Extensions of Existing Domestic Water and
	Wastewater Treatment Systems
Section 14-512	Additional Standards Applicable to
	Site Selection and Construction of
	Major Facilities of a Public Utility14-65

Section 14-513	Additional Standards Applicable to Municipal and Industrial Water Projects	6
Section 14-514	Additional Standards Applicable to Site Selection and Development of	, ,
	Solid Waste Disposal Sites14-6	6
Section 14-515	Additional Standards Applicable to Airports and Heliports14-6	:7
Section 14-516	Additional Standards Applicable to	•
	Site Selection of Arterial Highways, Interchanges and Collector Highways14-6	:2
Section 14-517	Additional Standards Applicable to	
	Rapid or Mass Transit Facilities14-6	8
DIVISION 6	FINANCIAL GUARANTEE14-7	'1
Section 14-601	Financial Guarantee Required14-7	1
Section 14-602	Amount of Financial Guarantee14-7	
Section 14-603	Estimate14-7	
Section 14-604	Form of Financial Guarantee14-7	
Section 14-605	Release of Guarantee	
Section 14-606	Cancellation of the Financial Guarantee	
Section 14-607 Section 14-608	Forfeiture of Financial Guarantee	
		Ŭ
DIVISION 7	PERMIT ADMINISTRATION AND ENFORCEMENT 14-7	'3
Section 14-701	Enforcement and Penalties14-7	
Section 14-702	Permit Suspension or Revocation14-7	
Section 14-703	Transfer of Permits	
Section 14-704 Section 14-705	Inspection	
Section 14-703	Judicial Neview14-7	4
DIVISION 8	DEFINITION OF WORDS AND TERMS14-7	'5
Section 14-801	Definitions14-7	'5
DIVISION 9	FLOWCHARTS14-8	4
Section 14-901	Designation Process Flowchart	
Section 14-902	Major Permit Review Flowchart14-8	5

ARTICLE 14 AREAS AND ACTIVITIES OF STATE INTEREST TABLE OF CONTENTS

APPENDIX A	14-86
APPENDIX B	14-93

ARTICLE 14 AREAS AND ACTIVITIES OF STATE INTEREST

DIVISION 1 GENERAL

Section 14-101 Purpose. The purpose of these Regulations is to identify and designate certain areas and activities of state interest and to enact guidelines for their administration, in a manner that is consistent with the statutory requirements and criteria in C.R.S. Section 24-65.1-101, *et seq.*

Section 14-102 Authority. These Regulations are authorized by, *inter alia*, 24-65.1-101, *et seq.*; 30-28-101, *et seq.*; 29-20-101, *et seq.*; and 24-32-111, C.R.S.

Section 14-103 Applicability.

- **A.** These Regulations for Areas and Activities of State Interest shall apply to the designation and regulation of any area or activity of state interest wholly or partially in the unincorporated areas of [*County*], that has been or may hereafter be designated by the Board of County Commissioners.
- **B.** These Regulations shall apply to all Matters of State Interest designated by the County whether located on private or public lands within the unincorporated areas of [*County*].

Section 14-104 Findings.

- **A.** The Board of County Commissioners finds that:
 - 1. The notice and public hearing requirements of Section 24-65.1-404, C.R.S. have been followed.
 - 2. These Regulations are necessary because of the intensity of current and foreseeable development pressures on and within [County], the dangers that would result from uncontrolled conduct of such activity or development in an area of state interest, and the advantages of conduct of such activity in a coordinated manner.

Section 14-105 Designated Matters of State Interest.

A. Areas of State Interest. The following areas are designated to be of state interest and subject to the regulatory provisions of this Article 14.

Note: Following are possible areas of state interest, pursuant to 24-65.1-201, C.R.S.:

1. Mineral resource areas.

Notes:

- (1) <u>Statutory Definition</u>: An area in which minerals are located in sufficient concentration in veins, deposits, bodies, beds, seams, fields, pools or otherwise as to be capable of economic recovery. Mineral Resource Area includes any area in which there has been significant mining activity in the past, there is significant mining activity in the present, mining development is planned or in progress, or mineral rights are held by mineral patent or valid mining claim with the intention of mining.

 See § 24-65.1-104(11), C.R.S.
- (2) Unless the area includes all or part of another designated area of state interest, an area of oil and gas or geothermal resource development must be identified for designation by the Colorado Oil and Gas Conservation Commission (COGCC).

 See, § 24-65.1-202(1)(d), C.R.S.

2. Natural hazard areas.

Notes:

- (1) <u>Statutory Definition</u>: An area containing or directly affected by geologic hazard, wildfire hazard or flood hazard. The term "Geologic Hazard" includes: avalanches, landslides, rock falls, mudflows, and unstable or potentially unstable slopes; seismic effects; radioactivity; and, ground subsidence.

 See § 24-65.1-103(8), C.R.S.
- (2) An area of corrosive soil, expansive soil and rock, or siltation shall not be designated as an area of state interest unless the Colorado Conservation Board, through the local conservation district, identifies such area for designation.

 See § 24-65.1-202(2)(a)(I)(A), C.R.S.
- (3) Floodplains shall not be designated by the county until such designation has been first approved by the Colorado Water Conservation Board, pursuant to §§ 30-28-111 and 31-23-301.

See § 24-65.1-403(3)(b), C.R.S.

(4) Development located in flood hazard areas would be subject to these regulations if the development is not otherwise regulated with full and binding effect under the other Articles of the county's land use code, e.g. Section 3-402, Floodplain Overlay District Regulations in Article 3, Zoning.

3. Areas containing or having a significant impact upon historical, natural, or archaeological resources of statewide importance.

Notes:

(1) Statutory Definition:

<u>Historical or Archaeological Resources of Statewide Importance</u>. Resources which have been officially included in the national register of historic places, designated by statute, or included in an established list of places compiled by the state historical society. See § 24-65.1-104(6), C.R.S.

<u>Natural Resources of Statewide Importance</u>. Shorelands of major, publicly owned reservoirs, and significant wildlife habitats in which the wildlife species could be endangered.

See § 24-65.1-104(12), C.R.S.

- (2) Areas containing or having a significant impact upon historical, natural or archaeological resources of statewide importance, as determined by the state historical society, the department of natural resources, and the local government, shall be administered by the appropriate state agency in conjunction with the local government. See § 24-65.1-202, C.R.S.
- **4.** Areas around a key facility.
 - **a.** Areas around an Airport.
 - **b.** Areas around Major Facilities of a Public Utility.
 - **c.** Areas around interchanges involving arterial highways.
 - **d.** Areas around rapid or mass transit terminals, stations and fixed guideways.

§ 24-65.1-104(7), C.R.S.

Notes:

<u>Statutory Definition</u>: Areas around key facilities are areas which are immediately and directly affected by the facility. See § 24-65.1-104(2), C.R.S.

B. Activities of State Interest. The following activities are designated to be of state interest and subject to the regulatory provisions of this Article 14.

Note: Following are possible activities of state interest, pursuant to 24-65.1-203, C.R.S.:

1. Site selection and construction of major new domestic water and wastewater treatment systems, and major extensions of existing domestic water and wastewater treatment systems.

Notes:

<u>Statutory Definition</u>: Domestic water and wastewater treatment system means a wastewater treatment plant, water supply system, or water treatment plant and any system of pipes, structures and facilities through which wastewater is collected for treatment. See § 24-65.1-104(5), C.R.S.

2. Site selection and construction of major facilities of a public utility.

Notes:

<u>Statutory Definition</u>: Major facilities of a public utility are:

- Central office buildings of telephone utilities.
- Transmission lines, power plants, and substations of electrical utilities.
- Pipelines and storage areas of utilities providing natural gas or other petroleum derivatives.

See § 24-65.1-104(8), C.R.S.

- **3.** Efficient utilization of municipal and industrial water projects.
- **4.** Site selection and development of solid waste disposal sites.

Notes:

Designation may not include sites for disposal of radioactive waste, specified in § 25-11-203(1) or designated pursuant to Part 3 of Article 11 of Title 25; or hazardous waste disposal sites, pursuant to the definitions under § 25-15-200.3.

- **5.** Site selection of airports.
- **6.** Site selection of arterial highways, interchanges and collector highways.

Notes:

Statutory Definitions:

<u>Arterial Highway</u>. Any limited access highway that is part of the federal-aid interstate system or any limited-access highway constructed under the supervision of the Colorado Department of Transportation.

See § 24-65.1-104(3), C.R.S.

<u>Collector Highway</u>. A major thoroughfare serving as a corridor or link between municipalities, unincorporated population centers or recreation areas, or industrial centers. A collector highway is constructed under guidelines and standards established by the Colorado Department of Transportation, or under the supervision of, the Colorado Department of Transportation. "Collector Highway" does not include a city street or local service road, or a county road designed for local service and constructed under the supervision of local government.

See § 24-65.1-104(4), C.R.S.

7. Site selection of rapid or mass transit terminals, stations and fixed guideways ("Rapid or Mass Transit Facilities").

Notes:

Statutory Definitions:

<u>Mass Transit</u>. A coordinated system of transit modes providing transportation for use by the general public.

<u>Rapid Transit</u>. The element of a mass transit system involving a mechanical conveyance on an exclusive lane or guideway constructed solely for that purpose.

Section 14-106 Exemptions

- **A. Statutory Exemptions.** These Regulations shall not apply to any development in an Area of State Interest or any Activity of State Interest if any one of the following is true:
 - **1.** As of May 17,1974,
 - **a.** The specific development or activity was covered by a current building permit issued by the County; or
 - b. The specific development or activity was directly approved by the electorate of the state or the County, provided that approval by the electorate of any bond issue by itself shall not be construed as approval of the specific development or activity; or
 - c. The specific development or activity is on land which has been finally approved by the County, with or without conditions, for Planned Unit Development or land use similar to a Planned Unit Development; or

- **d.** The specific development or activity is on land which was either zoned or rezoned in response to an application which contemplated the specific development or activity; or
- **e.** The specific development or activity is on land for which a development plan has been conditionally or finally approved by the appropriate governmental authority.
- **B. Specific Exemptions.** The regulatory provisions of this Article shall not apply to any of the following:

Note: Following are examples of exemptions that the County could apply for certain designations.

- 1. Replacement of an existing water diversion structure without change in the point of diversion or point of use of the water, or yield from the diversion. (Major Domestic Water and Wastewater Systems)
- **2.** Irrigation facilities used for agricultural purposes. (Major Domestic Water and Wastewater)
- 3. Upgrade of an existing Water or Wastewater Project where the primary purpose of the system is to serve existing development. (Major Domestic Water and Wastewater Systems)
- 4. Improvements and upgrades to existing Water and Wastewater Project facilities that are maintenance or other upgrades required by federal, state, or local regulations provided the improvements or upgrades do not expand levels of service beyond design capacity or alter the location of the facility. (Major Domestic Water and Wastewater Systems)
- **5.** Development in areas around an Airport if the Project proposes development that meets *all* of the following criteria: (Areas Around a Key Facility Areas Around an Airport)
 - **a.** All buildings and structures are less than thirty-five (35) feet in height; and
 - **b.** All proposed development occurs on property located entirely outside the Approach Surface; and

- c. The proposed development does not involve industrial, mining or similar uses that emit smoke, dust or steam; sanitary landfills or water impoundments; or radio, radiotelephone, television or similar transmission facilities or electrical transmission lines; and
- **d.** The proposed development does not involve the creation of wetlands or wetland mitigation, enhancement or restoration.

Section 14-107 Relationship to Other Regulations.

- A. Inconsistencies or Conflict with Other Regulations and Plans.
 - 1. If any provision of these Regulations for Areas and Activities of State Interest is found to be inconsistent or in conflict with provisions of any other regulation or enactment, the [Comprehensive Plan/Master Plan], or the statutory criteria for administration of Matters of State Interest set forth in §§ 24-65.1-202 and 204, C.R.S., the more stringent standards or requirements shall control.
- B. Compliance with Other Applicable County, State and Federal Requirements Not Waived. Compliance with these Regulations for Areas and Activities of State Interest does not waive the requirements to comply with any other applicable state, local or federal law or regulation.
- **C. No Intent to Conflict.** These regulations shall not be applied to create an operational conflict with any state or federal laws or regulations.
 - 1. Coordinated Review. The applicant may request that the County application and review process be coordinated with the applicable state or federal agency review process. The County will eliminate redundant application submittal requirements and will coordinate its review of the application with that of other agencies, as appropriate.
 - 2. Coordinated Permit Conditions. To the extent practicable and appropriate, the County will coordinate its approval of the application, including the terms and conditions of such approval, with that of other agencies.

Section 14-108 Severability. If any section, subsection, sentence, clause or phrase of these regulations is held to be invalid or unconstitutional by a court of law, such decision shall not affect the validity of these regulations as a whole or

any part other than the part declared invalid.

DIVISION 2 DESIGNATION PROCESS FOR AREAS AND ACTIVITIES OF STATE INTEREST

Section 14-201 Applicability of Designation Process. The designation process set forth in these Regulations for Areas and Activities of State Interest shall apply to the designation of any Matter of State Interest after the effective date of these Regulations.

Section 14-202 Board of County Commissioners to Make Designation. The Board of County Commissioners may in its discretion propose designations and amendment or revocation of designations of Matters of State Interest.

Section 14-203 Effect of Determination, Moratorium Until Final Designation. After a matter is determined to be of state interest pursuant to these Regulations, no person shall engage in development in such area and no such activity shall be conducted until the designation is finalized and guidelines for such area or activity are finally adopted.

Section 14-204 Public Notice and Designation Hearing by Board of County Commissioners. A request for designation of a Matter of State Interest shall be considered by the Board of County Commissioners at a properly noticed public hearing.

Note: Review and recommendation by the Planning Commission is an optional step in the designation process; public hearing by the Board is the only statutory requirement.

- **A. Notice of Proposed Designation and Designation Hearing.** The Board of County Commissioners shall prepare a Notice of the proposed designation and designation hearing, which shall include:
 - **1.** The time and place of the hearing.
 - 2. The place where materials relating to the proposed designation and regulations for the administration thereof may be examined.
 - **3.** The telephone number where inquiries may be answered.
 - 4. A description of the area or activity proposed to be designated as a Matter of State Interest, in sufficient detail to provide reasonable notice for property or land use which would be included.

- **B.** Publication of Notice. No less than thirty (30) calendar days but no more than sixty (60) calendar days before the designation hearing, the Board of County Commissioners shall publish the Notice in a newspaper of general circulation in the County, and shall mail the Notice by first class mail to each of the following:
 - **1.** Persons on the mailing list established pursuant to *paragraph C* below.
 - 2. In the discretion of the Board of County Commissioners, members of the news media and any other person considered likely to be affected by the proposed designation.
 - In the discretion of the Board, any other local governmental jurisdiction that would be directly or indirectly affected by the proposed designation.
- **C. Mailing List.** The Board of County Commissioners shall maintain a mailing list of persons requesting to receive notice of all hearings held pursuant to this Article 14. Notices shall be mailed to each person paying an annual fee established by the Board to cover the costs of production, handling and mailing of such notices, pursuant to Sections 24-65.1-404(2)(b) and 24-65.1-501(2)(c), C.R.S. In order to receive notices for the calendar year, the person shall resubmit their name and address and pay the annual fee before January 31 of each calendar year.
- **D.** Factors to be Considered at Designation Hearing. At the designation hearing, the Board of County Commissioners shall consider and receive into the public record such evidence as the Board deems appropriate, including testimony and documents addressing the following factors.
 - **1.** The intensity of current and foreseeable development pressures.
 - 2. The reasons why the particular area or activity is of state interest, the dangers that would result from uncontrolled development of any such area or uncontrolled conduct of such activity, and the advantages of development of such area or conduct of such activity in a coordinated manner.
 - **3.** The boundaries of any area proposed for designation.

Section 14-204 Public Notice and Designation Hearing by Board of County Commissioners: Factors to be Considered at Designation Hearing

- **4.** The matters and considerations set forth in any applicable guidelines for identification and designation.
- The applicable criteria for administration of the proposed area or activity as set forth in these Regulations and 24-65.1-201, et seq., C.R.S.
- **6.** Applicable policies of the [Comprehensive Plan/Master Plan], and any duly adopted intergovernmental agreements affected by the area or activity under consideration.
- 7. The extent to which other governmental entities regulate the area or activity proposed to be designated.
- **8.** All testimony, evidence and documents taken and admitted at the public hearing.
- **9.** The recommendations of the Planning Commission [if the County's process includes Planning Commission review and recommendation].
- **E.** Action by Board of County Commissioners. At the conclusion of the designation hearing, or within thirty (30) calendar days of the conclusion of the designation hearing, the Board shall take action by resolution to adopt, adopt with modifications, or reject the proposed designation(s).
 - 1. In the event the Board finally determines that an area or activity is a Matter of State Interest, it shall be the Board's duty, acting by resolution, to designate the Matter of State Interest and adopt regulations for the administration thereof.
 - **2.** Each resolution designating a Matter of State Interest adopted by the Board shall include the following:
 - **a. Boundaries.** The Resolution shall specify the boundaries of the designated Area of State Interest or boundaries of the area in which an Activity of State Interest has been designated.
 - b. Findings. The Resolution shall state the reasons why the Board finds that the particular area or activity is of state interest. Findings shall be based upon the factors considered pursuant to Section 14-204 D, above.

- 3. If the proposed designation is rejected, the Board may at its discretion regulate the matter under any other available land use control authority or it may reject regulation of the matter entirely.
- **F. Record of Designation Proceedings.** The record of designation shall include the following materials.
 - 1. A copy of the Notice, the certificate of publication of the Notice, and a listing of all persons to whom the Notice was mailed.
 - **2.** The names and addresses of persons who presented written or oral statements or offered documentary evidence.
 - **3.** Any written statements or documentary evidence presented in support of or in opposition to the proposed designation of the matter of state interest.
 - **4.** Any recording or transcript of the designation hearing.
 - a. Any person may, at his or her own expense, provide for recording of the hearing and the transcription thereof, provided, however, that a copy of the recording, and the transcript if transcribed, shall be furnished free of charge to the Board of County Commissioners and shall become part of the record.
 - **5.** The minutes of the designation hearing.
 - **6.** The resolution approving the proposed Matter of State Interest.
 - **7.** A map or maps depicting the boundaries of the designated area of state interest.
- **G.** Recordation with County Clerk. The resolution adopted by the Board of County Commissioners designating a Matter of State Interest shall be certified by the Board to the County Clerk and Recorder for filing in the same manner as any document affecting real property.
- H. Combined Designation and Permit Hearing.
 - 1. If a person proposes to engage in development in an Area of State Interest or to conduct an Activity of State Interest not previously designated and for which regulations have not been adopted, the

- Board of County Commissioners may hold a combined hearing to determine and designate the Matter of State Interest, adopt the regulations and approve or deny the Permit.
- 2. No Permit that is granted at the conclusion of the combined designation and permit hearing shall be authority to engage in development or to conduct an activity until the designation and regulations are finally adopted.
- I. Applications for Multiple Activities or Development in More Than One Area of State Interest. When approval is sought to conduct more than one Activity of State Interest and/or engage in development in more than one Area of State Interest, the applications for all such activities or developments may be submitted and reviewed simultaneously, to the extent feasible and practicable.

DIVISION 3 PERMIT APPLICATION AND REVIEW PROCESS

Section 14-301 Permit Required. No person may engage in development in a designated area of state interest or conduct a designated activity of state interest without either first obtaining a Permit or a Finding of No Significant Impact under these Regulations.

- A. Compliance Required for Final Plat Approval. If a development or activity subject to these Regulations is proposed as an integral part of a Subdivision or Planned Unit Development, the applicant shall comply with these Regulations prior to obtaining final plat approval.
- **B.** Compliance Required for Building Permit. No Building Permit shall be issued by the County for an activity or development subject to these Regulations without the applicant having first obtained a Finding of No Significant Impact or a Permit under these Regulations.
- C. Permit Not A Site Specific Development Plan. Permits issued under these Regulations shall not be considered to be a Site Specific Development Plan and no statutory vested rights shall inure to such Permit.
- **Section 14-302** Permit Authority Established. The Board of County Commissioners shall serve as the Permit Authority. The Permit Authority shall exercise all powers and duties granted it by these Regulations.

Section 14-303 Pre-Application Conference and Materials.

A. Pre-Application Conference.

- 1. An application for permit to engage in an activity or development subject to these Regulations shall begin with a Pre-Application Conference between the applicant and the [Administrator/Director] or staff. Participants in the Pre-Application Conference shall include appropriate staff to address potential issues raised by the Project.
- 2. At the conference, the [<u>Administrator/Director</u>] shall explain the regulatory process, the application fee and requirements and begin to evaluate the level of permit review that will be required.
- **B. Materials.** At or before the Pre-Application Conference, the applicant shall submit a brief explanation of the Project, including the following materials.
 - 1. The applicant's name, address and phone number. If the applicant is not the owner of the property where the activity or development will occur, applicant shall also provide the name, address and phone number of the property owner and documentation that the property owner consents to the activity or development.
 - **2.** Map prepared at an easily readable scale showing:
 - **a.** Boundary of the proposed activity or development.
 - **b.** Relationship of the proposed activity or development to surrounding topographic and cultural features such as roads, streams and existing structures.
 - **c.** Proposed building(s), improvements and infrastructure.
 - **d.** Topographic information in intervals not less than forth (40) feet.
 - 3. Written summary of the project that is sufficient for determining the Level of Permit Review that will be required for the application.

Section 14-304 Levels of Permit Review and Determination of Level of Review.

- **A.** Levels of Permit Review. There are two possible levels of permit review for a proposed project: a Finding of No Significant Impact; or, Major Permit Review.
- **B.** Determination of Level of Permit Review. The [<u>Administrator/Director</u>] shall determine the appropriate level of permit review based upon the Pre-Application Conference and submittals.
 - 1. Finding of No Significant Impact (FONSI). The [Administrator/Director] may make a Finding of No Significant Impact, and a Permit under these Regulations will not be necessary, if the construction or operation of the activity, without mitigation, in its proposed location is unlikely to have any significant adverse impact to the County. The [Administrator/Director's] decision shall take into consideration the approval standards set forth in Division 5, Permit Approval Standards.
 - 2. Major Permit Review. If the [<u>Administrator/Director</u>] determines that a Finding of No Significant Impact is not appropriate based upon review of the Pre-Application submittals and the information obtained at the Pre-Application Conference, then the Project shall be subject to Major Permit Review.
- **C. Notice of Determination of Level of Permit Review**. The Determination of Level of Permit Review shall be made by the [*Administrator/Director*] within a reasonable time following the Pre-Application Conference.
 - 1. Written Notice. Within [five (5)] calendar days of the Determination of Level of Permit Review, the [Administrator/Director] shall notify the applicant, the Board, the [County Manager/Administrator] and the County Attorney, in writing, of the determination. The notice shall include a description of the project and the procedure for requesting reconsideration of the [Administrator/Director's] determination.
 - 2. Publication of Notice of <u>Administrator/Director's</u> Determination of Level of Permit Review. A notice of the [<u>Administrator/Director's</u>] Determination of Level of Permit Review shall be published once in a newspaper of general circulation in the County, not more than [<u>fourteen (14)</u>] calendar days after the date

of determination. The notice shall describe the Project and the procedure for requesting reconsideration of the [*Administrator/Director's*] determination.

- D. Reconsideration of [Administrator/Director's] Determination of Level of Permit Review.
 - 1. Call-up by the Board. The Board may, at its discretion, review and amend the [<u>Administrator/Director's</u>] determination at the next regularly scheduled meeting of the Board for which proper notice can be accomplished following the date of written notice of determination.
 - 2. Request for Reconsideration. Any affected party may request that the Board reconsider the [Administrator/Director's] determination at the next regularly scheduled meeting for which proper notice can be accomplished following the request. The request shall be in writing, within seven (7) calendar days following the date of written notice of determination.
- **E.** Change in Level of Permit Review. At any time prior to the final decision on an application, the [Administrator/Director] may decide that information received subsequent to the Pre-Application Conference indicates that the nature and scope of the impacts of the Project are such that a different level of permit review is required.
 - 1. If a different level of permit review is required, the [<u>Administrator/Director</u>] shall immediately notify the applicant, the Board, the [<u>County Manager/Administrator</u>] and the County Attorney in writing.
 - 2. The [<u>Administrator/Director's</u>] decision to change the level of permit review shall be subject to the reconsideration provisions in paragraph D of this Section.

Section 14-305 Consultant and Referral Agency Review. The following provisions for referral review apply to all applications proposing to engage in an activity of state interest or development in an area of state interest.

1. Consultant Review. The County may retain legal and technical consultants to review all or a portion of the application.

- 2. Referral Agency Review. The [<u>Administrator/Director</u>] may send a copy of the complete application to and seek review comments from any local, state or federal agency that may have expertise or an interest in impacts that may be associated with the Project.
 - a. A copy of the application shall be referred for review and comment by the [*Airport Sponsor*] when the subject property is located wholly or partially within 10,000 feet of the sides or ends of an Airport runway or within 4,000 feet of a Heliport.
- 3. Applicant Responsible for Consultant and Referral Agency Review Fees. The costs of consultant and referral agency review are the responsibility of the applicant.
 - a. The County may require a deposit for payment of consultant and referral agency review fees, based upon estimated review costs, at the time of application and in addition to the application fees.
 - **b.** The County may suspend the application review process pending payment of review fees.

Section 14-306 Major Permit Review Process.

- **A. Outline of Process.** The Major Permit Review process shall consist of the following procedures:
 - **1.** Pre-Application Conference
 - 2. Application
 - **3.** Determination of Completeness
 - **4.** Evaluation by the [*Administrator/Director*], Staff Review
 - **5.** Public Hearing and Decision by the Board of County Commissioners

B. Review Process.

- **1. Pre-application Conference**. A pre-application conference shall be held in accordance with the provisions of Section 14-303, *Pre-Application Conference*.
- **2. Application.** The application materials required for an application for permit to engage in an activity of state interest or development

Section 14-306 Major Permit Review Process

Application Submittal Requirements.

- 3. **Determination of Completeness.** An application shall not be accepted unless it is complete. Within thirty (30) calendar days of receipt of the application materials, the [Administrator/Director] shall determine whether the application is complete based on compliance with the submittal requirements set forth in Division 4, Permit Application Submittal Requirements.
 - a. Application is Not Complete. If the application is not complete, the [Administrator/Director] shall inform the applicant of the deficiencies in writing and shall take no further action on the application until the deficiencies are remedied. If the applicant fails to correct the deficiencies within sixty (60) calendar days, the application shall be considered withdrawn and returned to the applicant.
 - **b. Application is Complete**. If the application is complete, the [*Administrator/Director*] shall certify it as complete and stamp it with the date of Determination of Completeness.
 - c. Extension of Time for Determination of Completeness. The [Administrator/Director] may authorize an extension of time to complete review for Determination of Completeness, up to an additional thirty (30) working days. The extension of time for Determination of Completeness shall be based upon the following considerations.
 - (1) Scope of Application. The scope of application is sufficient to require additional time for the [Administrator/Director] to review the application for a Determination of Completeness.
 - (2) Staff Workload. The Department's workload due to the volume and scope of pending land use change applications justifies the need for an extension of time to review the application for a Determination of Completeness.
- **4. Schedule Public Hearing.** Not later than [<u>thirty (30)</u>] calendar days after receipt of a complete application for a Permit, the

[<u>Administrator/Director</u>] shall set a date for public hearing by the Board.

5. Notice of Public Hearing.

- a. Notice by Publication. No less than thirty (30) calendar days but no more than sixty (60) calendar days prior to the date of the public hearing, the applicant shall have published a notice of public hearing in a newspaper of general circulation in the area that the Project is located. The notice shall follow a form prescribed by the County.
- b. Notice to Adjacent Property Owners. At least thirty (30) calendar days but no more than sixty (60) calendar days prior to the date of the public hearing, the applicant shall send by certified mail, return receipt requested, a written notice of the public hearing to the owners of record of all adjacent property. The notice shall include a vicinity map, the property's legal description, a short narrative describing the Project, and an announcement of the date, time and location of the scheduled hearing(s).
- **c. Proof of Notice**. At the public hearing, the applicant shall provide proof of publication and payment for publication, and proof of notification of adjacent property owners.

6. Review by Planning Commission, Referral Agencies and Consultants.

- **a.** The [<u>Administrator/Director</u>] shall send a copy of the complete application to and seek review comments from the Planning Commission.
- **b.** The [<u>Administrator/Director</u>] may refer the application to consultants and referral agencies for review, pursuant to Section 14-305.
- 7. Evaluation by [Administrator/Director], Staff Review. The [Administrator/Director] shall review the application to determine if the Project satisfies the applicable standards set forth in Division 5, Permit Approval Standards. The [Administrator/Director] shall prepare a staff report discussing whether the standards have been satisfied, issues raised through staff and referral review, mitigation requirements and recommended conditions for approval to ensure

that approval standards are satisfied, and additional information pertinent to review of the application.

- a. Staff Report. [Seven (7)] calendar days prior to the date of a public hearing, the [Administrator/Director] shall submit a staff report to the applicant and to the Board. A copy of the staff report shall also be available for public review prior to the hearing.
- 8. Review and Action by the Board of County Commissioners.

 The Board of County Commissioners shall consider the application at a public hearing, upon proper public notice.
 - a. Conduct of Public Hearing.
 - (1) The Board shall conduct the hearing in a manner to afford procedural due process to the applicant and any person who opposes the issuance of the Permit.
 - (2) The Board shall hear relevant testimony and receive relevant evidence, including the recommendations of the [Administrator/Director].
 - (3) The Board may impose reasonable time limits on presenters and witnesses.
 - **b. Decision by Board.** Following a public hearing, the Board of County Commissioners shall approve, approve with conditions or deny the application based upon compliance with the applicable standards in Division 5, *Permit Approval Standards*.
 - (1) Approval of Application. If the application satisfies the applicable standards, the application shall be approved.
 - (2) Denial of Application. If the application fails to satisfy the applicable standards, the application may be denied; or
 - (3) Conditional Approval of Application. The application may be approved with conditions determined necessary for compliance with applicable standards.

Section 14-307 Technical Revisions and Permit Amendments. Any change in the construction or operation of the Project from that approved by the Board shall require staff review and a determination of technical revision or permit amendment.

- **A. Technical Revisions.** A proposed change shall be considered a technical revision if the [*Administrator/Director*] determines that:
 - 1. There will be no increase in the size of the area affected or the intensity of impacts as a result of the proposed change(s); or
 - **2.** Any increase in the area or intensity of impacts is insignificant.
- **B. Permit Amendments.** Changes other than technical revisions shall be considered permit amendments. A permit amendment shall be subject to review as a new permit application.
- **C. Staff Review of Proposed Changes.** The following information and materials shall be submitted by the permittee for staff review of the proposed changes.
 - 1. Documentation of the current permit approval.
 - **2.** As-built drawings of the project, if available.
 - **3.** Drawings and plans of proposed changes to the project.
 - **4.** Statement of need for proposed changes.
 - **5.** Description of additional or changed mitigation plans.
- **D.** Notice of [Administrator/Director's] Determination.
 - 1. Written Notice. Within [<u>five (5)</u>] working days of the date of determination, the [<u>Administrator/Director</u>] shall notify the applicant, the Board, the [<u>County Manager/Administrator</u>] and the County Attorney, in writing, regarding the determination of whether the change is a technical revision or permit amendment.
 - 2. Publication of Notice of Director's Determination of Level of Permit Review. A notice of the [Administrator/Director's] determination shall be published once in a newspaper of general

circulation in the County, not more than [<u>fourteen (14)</u>] calendar days after the date of determination.

C. Reconsideration of [<u>Administrator/Director's</u>] Determination of Whether Change is a Permit Amendment or a Technical Revision.

- 1. Call-up by the Board of County Commissioners. The Board may, at its discretion, review and amend the [Administrator/Director's] determination of whether the change is a permit amendment or a technical revision at the next regularly scheduled meeting for which proper notice can be accomplished, following the date of written notice of the determination.
- 2. Request for Reconsideration. Any Affected Party may, within seven (7) days of the date of written notice of determination, request that the Board reconsider the [Administrator/Director's] determination at its next regularly scheduled meeting for which proper notice can be accomplished. The Board may review and/or amend the [Administrator/Director's] determination at its discretion.

Section 14-308 Review of Major Facilities of a Public Utility. Any application for Permit which relates to the location, construction or improvement of a Major Electrical or Natural Gas Facility as contemplated by § 29-20-108, C.R.S., as amended, shall be subject to the Major Permit Review process and to the following special requirements imposed by state law, pursuant to § 29-20-108, C.R.S.

A. Outline of Process.

- **1.** Major Permit Review
- 2. Statutory Requirements for Notice, Action and Appeal

B. Review Process.

- **Major Permit Review.** The process for Major Permit Review is set forth in Section 14-306, *Permit Review Process*.
 - a. Application Materials. The application materials required for Major Facilities of a Public Utility are set forth in Section 14-412.
- **2. Notice.** A public utility or power authority shall notify the [<u>Administrator/Director</u>] of its plans to site a Major Electrical or

Natural Gas Facility prior to submitting the permit application, but in no event later than filing a request for a certificate of public convenience and necessity pursuant to Article 5 of Title 40, C.R.S., or an annual filing with the public utilities commission that proposes or recognizes the need for construction of a new facility or the extension of an existing facility. If a public utility or power authority is not required to obtain a certificate of public convenience and necessity pursuant to Article 5 of Title 40, C.R.S., or file annually with the public utilities commission to notify the public utilities commission of proposed construction of a new facility or the extension of an existing facility, then the public utility or power authority shall notify the County of its intention to site a Major Electrical or Natural Gas Facility when such utility or authority determines that it intends to proceed to permit and construct the facility.

- 3. Consultation with County. The public utility or power authority shall consult with the County to identify the specific routes or geographic locations under consideration and attempt to resolve land use issues that may arise from the contemplated permit application.
- 4. Alternatives Analysis. In addition to the alternative described within its permit application, the public utility or power authority shall consider and present reasonable siting and design alternatives or explain why no reasonable alternatives are available.
- 5. Preliminary Application. Any application submitted by a public utility or power authority which relates to the location, construction or improvement of a Major Electrical or Natural Gas Facility as contemplated by Section 29-20-108, C.R.S. and which is required to be presented to the Planning Commission for recommendation shall be considered to be a "preliminary application" pursuant to Section 29-20-108, C.R.S., on which final County action shall be taken within one hundred twenty (120) days from Determination of Completeness.
 - **Or**, if the review process applicable to this use does not include review and recommendation by the Planning Commission:
- **5. Final Application.** Any application submitted by a public utility or power authority which relates to the location, construction or improvement of a Major Electrical or Natural Gas Facility as

- contemplated by Section 29-20-108, C.R.S. and which is presented only to the Board of County Commissioners for review shall be considered to be a "final application" pursuant to Section 29-20-108, C.R.S., on which final County action shall be taken within ninety (90) calendar days from Determination of Completeness.
- 6. Review and Decision on Application for Major Electrical and Natural Gas Facilities. Within [ninety (90) calendar days / 120 calendar days] from the date the application is determined to be complete, the County shall decide whether to approve, approve with conditions or deny the application for Major Electrical or Natural Gas Facility. If the County does not take final action within such time, the application shall be deemed approved. Nothing in these provisions shall be construed to supersede any timeline set by agreement between the County and a public utility or power authority applying for a Permit for Major Electrical or Natural Gas Facilities under these Regulations.
 - a. **Determination of Completeness.** For purposes of this Section B6, Determination of Completeness shall be pursuant to the requirements of these Regulations, set forth in Section 14-306 B3.
- 7. Appeal of Denial of Application for Major Electrical or Natural Gas Facility. If the County denies a Permit or application of a public utility or power authority that relates to the location, construction, or improvement of Major Electrical or Natural Gas Facilities, or if the County imposes requirements or conditions upon such Permit or application that will unreasonably impair the ability of the public utility or power authority to provide safe, reliable, and economical service to the public, the public utility or power authority may appeal the County action to the public utilities commission for a determination under 40-4-102, C.R.S., so long as one or more of the following conditions exist:
 - a. The public utility or power authority has applied for or has obtained a certificate of public convenience and necessity from the public utilities commission pursuant to 40-5-101, C.R.S., to construct the Major Electrical or Natural Gas Facility that is the subject of the local government action;
 - **b.** A certificate of public convenience and necessity is not required for the public utility or power authority to construct

- the Major Electrical or Natural Gas Facility that is the subject of the local government action; or
- c. The public utilities commission has previously entered an order pursuant 40-4-102, C.R.S., that conflicts with the local government action.

DIVISION 4 PERMIT APPLICATION SUBMITTAL REQUIREMENTS

Section 14-401 Description of Submittal Requirements. The following submittal requirements shall apply to any application for permit to conduct an Activity of State Interest or engage in development of an Area of State Interest subject to these Regulations. The [Administrator/Director] may waive one or more of the submittal requirements when the submittal information would not be relevant to a determination as to whether the proposed project complies with the applicable standards for approval.

- **A. Professional Qualifications.** The professional qualifications for preparation and certification of certain documents required by these Regulations are as follows.
 - 1. Civil Engineer. Improvement plans and reports for water supply, sanitation, drainage, utilities, soils, grading, roads, structures and other civil engineering required to satisfy the requirements of these Regulations shall be prepared and certified by a professional engineer qualified in the specific discipline and licensed by the State of Colorado.
 - 2. Surveyor. All documents containing land survey descriptions shall be prepared and certified by a certified Colorado Professional Land Surveyor.
 - **3. Geologist.** Geology reports shall be prepared by either a member of the American Institute of Professional Geologists or a member of the Association of Engineering Geologists.
 - 4. Other. Other professionals retained by applicant to provide studies and analysis required by these Regulations shall demonstrate qualification in the specific field, to the satisfaction of the Board.

B. Application Fees.

- The application shall be accompanied by an application fee in the amount(s) set forth in these Regulations or as may otherwise be determined by the County.
- 2. An estimate of the application fee will be provided by the County within ten (10) working days following the Pre-Application Conference and shall reflect the estimated cost of reviewing and processing the application package, including costs of copying, mailings, publications, labor and overhead, all hearings and meetings on the application package, and the retention of any consultants, experts and attorneys that the County deems advisable to aid the County during the permit application and approval process.
- The application package must be accompanied by an initial 3. payment of [twenty-five thousand dollars (\$25,000)] for Major Permit Review. The County will establish and administer a schedule for the payment of subsequent installments of the application fee. The installments shall be structured so that, throughout the application process, the County retains a minimum balance of at least ten thousand dollars (\$10,000). If the balance falls below the minimum balance, the County may cease processing the application package pending receipt of additional installments bringing the balance to at least the minimum amount. The amount of the initial payment and the minimum balance required may be reduced upon a finding by the [Administrator/Director] that the application processing and costs are likely to be less than the minimum amount set by these Regulations.
- 4. The County will deposit that portion of the application fee which is not necessary to cover current costs and expenses in an interest-bearing escrow account. The County will obligate, encumber or use such funds, from time to time, at its discretion, when necessary to cover the cost of processing the application. Interest earned on the account will belong to the applicant and will be applied by the County toward subsequent installments of the application fee.
- **5.** The County will maintain accurate records of the manner in which the application fee is used and will make such records available for

- inspection by the applicant and the public at reasonable times as determined by the County.
- Any portion of the application fee submitted by the applicant, or any interest earned on such fee pursuant to paragraph B4 of this section, which is not necessary to cover the cost of processing the application package will be reimbursed to the applicant after the hearing process has been completed.
- 7. The County will take no action on the application package until all fees and expenses related to the application review process have been paid.
- **C. Application Form.** The application form for a Permit to engage in a designated Activity of State Interest or development in an Area of State Interest shall be obtained from the [*Planning Department*].
 - 1. Authorized Applicant. Completed application forms and accompanying materials shall be submitted to the [Administrator/Director] by the owner, or any agent acting through written authorization of the owner.
 - a. Authorized Agent. If the applicant is not the owner of the land, or is a contract purchaser of the land, the applicant shall submit a letter signed by the owner consenting to the submission of the application.
 - **b.** Applicant is Not the Sole Owner. If the applicant is not the sole owner of the land, the applicant shall submit a letter signed by all other owners or an association representing all the owners, by which all owners consent to or join in the application.
- D. Information Describing the Applicant.
 - 1. The names, addresses, email address, fax number, organization form, and business of the applicant and, if different, the owner of the project.
 - **2.** Authorization of the application by the Project owner, if different than the applicant.

- 3. Documentation of the applicant's financial and technical capability to develop and operate the Project, including a description of the applicant's experience developing and operating similar projects.
- 4. The names, addresses and qualifications, including areas of expertise and experience with projects directly related or similar to that proposed in the application package, of individuals who are or will be responsible for constructing and operating the Project.
- **5.** Written qualifications of those preparing reports and providing certifications required by these Regulations.

E. Information Describing the Project.

- **1.** Detailed plans and specifications of the Project.
- 2. Detailed map(s) showing the location of existing and proposed structures together with proposed and existing transportation corridors and zoning classification, within a 2000' radius.
- **3.** Description of all conservation techniques to be used in the construction and operation of the project.
- 4. Discussion of the alternatives to the Project that were considered and rejected by the applicant, including the general degree of feasibility of each alternative.
- **5.** Schedules for designing, permitting, constructing and operating the Project, including the estimated life of the Project.
- 6. The need for the Project, including existing and proposed facilities that perform the same or related function, and population projections or growth trends that form the basis of demand projections justifying the Project.

F. Property Rights, Permits and Other Approvals.

1. Description of property rights that are necessary for or that will be affected by the Project, and documentation establishing property rights and easement and right-of-way agreements connected with the property.

- 2. A list and copies of all other federal, state and local permits and approvals that have been or will be required for the Project, together with any proposal for coordinating these approvals with the County's permitting process.
 - a. For major electrical or natural gas facilities, documentation that the public utility or power authority has applied for or obtained a certificate of public convenience and necessity from the Public Utilities Commission, pursuant to Section 40-4-102, C.R.S. and Section 29-20-108, C.R.S.
- 3. Description of the water to be used by the Project and alternatives, including: the source, amount and quality of such water; the applicant's right to use the water, including adjudicated decrees, and application for decrees; proposed points of diversion and changes in the points of diversion; and, the existing uses of the water. If an augmentation plan for the Project has been decreed or an application for such plan has been filed in court, the applicant shall submit a copy of that plan.
 - a. For purposes of Water and Wastewater Projects involving storage, the applicant shall be the owner of the water rights to be stored in the facility. Applicant shall provide documentation of the applicant's ownership of the water rights to be stored in the facility.
- 4. Copies of all official federal and state consultation correspondence prepared for the Project; a description of all mitigation required by federal, state and local authorities; and copies of any draft or final environmental assessments or impact statement required for the Project.

G. Technical and Financial Feasibility of the Project.

- 1. The estimated construction costs and period of construction for each development component, and the total mitigation costs for the Project.
- **2.** Revenues and operating expenses for the Project.
- **3.** The amount of any proposed debt and the method and estimated cost of debt service.

- **4.** Details of any contract or agreement for revenues or services in connection with the Project.
- 5. Description of the persons or entity(ies) who will pay for or use the Project and/or services produced by the development and those who will benefit from any and all revenues generated by it.
- **H. Socioeconomic Impact Analysis.** A comprehensive analysis of the socioeconomic impact of the Project. Descriptions in this section shall be limited to the Impact Area, and shall include an analysis of existing conditions, supported with data, and a projection of the impacts of the Project in comparison to existing conditions. The analysis shall include a description of how the applicant will comply with the applicable standards set forth in Division 5, *Permit Approval Standards* of these Regulations.

1. Land Use.

- **a.** Description of existing land uses within and adjacent to the Project.
- b. Description of provisions from local land use plans, comprehensive plans/master plans, and intergovernmental agreements that are applicable to the Project, and an assessment of whether the Project will be consistent with or further the objectives of those provisions.
- **c.** Description of impacts and net effect that the Project would have on existing and future land use patterns.

2. Local Government Services.

- a. Description of existing capacity of and demand for local government services including roads, schools, water and wastewater treatment, water supply, emergency services, transportation, infrastructure and other services necessary to accommodate development.
- **b.** Description of the impacts and net effect of the Project on the capability of local governments that are affected by the Project to provide services.
- 3. Financial Burden on County Residents.

- **a.** Description of the existing tax burden and fee structure for government services, including assessed valuation, mill levy, rates for water and wastewater treatment, and costs of water supply.
- **b.** Description of impacts and net effect of the Project on existing tax burden and fee structure for government services applicable to County residents.

4. Local Economy.

- **a.** Description of the local economy, including revenues generated by the different economic sectors and the value or productivity of different lands.
- **b.** Description of impacts and net effect of the Project on the local economy; the use of land for agricultural, development and recreational purposes; and the opportunities for economic diversification.

5. Housing

- **a.** Description of existing seasonal and permanent housing including number, condition and cost of dwelling units.
- **b.** Description of the impact and net effect of the Project on housing during both the construction and operation stages of the Project.

6. Recreational Opportunities.

- a. Description of present and potential recreational uses in the area of the County where the Project will be located, including the number of recreational visitor days for different recreational uses and the revenue generated by types of recreational uses.
- b. Map depicting the location of recreational uses in the area of the County where the Project will be located such as fishery stream segments, access points to recreational resources, hiking and biking trails, and wilderness areas.

c. Description of the impacts and net effect of the Project on present and potential recreational opportunities and revenues to the local economy derived from those uses.

7. Areas of Paleontological, Historic or Archaeological Importance.

- **a.** Map and description of all sites of paleontological, historic or archaeological interest.
- **b.** Description of the impacts and net effect of the Project on sites of paleontological, historic or archaeological interest.
- I. Environmental Impact Analysis. Description of the existing natural environment and an analysis of the impacts of the Project to the natural environment. Descriptions in this section shall be limited to the Impact Area. The analysis shall include a description of how the applicant will comply with the applicable approval standards set forth in Division 5, *Permit Approval Standards* of these Regulations.

1. Air quality.

- a. Description of the airsheds that will be affected by the Project, including the seasonal pattern of air circulation and microclimates.
- Map and description of the ambient air quality and state air quality standards of the airsheds that will be affected by the Project, including particulate matter and aerosols, oxides, hydrocarbons, oxidants and other chemicals, temperature effects and atmospheric interactions.
- c Descriptions of the impacts and net effect that the Project would have on air quality during both construction and operation under both average and worst case conditions.

2. Visual Quality.

a. Map and description of ground cover and vegetation, forest canopies, waterfalls and streams, viewsheds, scenic vistas, unique landscapes and land formations or other natural features of visual importance.

- **b.** Map and description of existing and proposed buildings, including structure design and materials to be used for the Project.
- **c.** Descriptions of the impacts and net effect that the Project would have on visual quality.

3. Surface Water Quality and Quantity.

- **a.** Map and description of all surface waters that will be affected by the Project, including:
 - (1) Description of provisions of the applicable regional water quality management plan that applies to the Project and assessment of whether the Project would comply with those provisions.
 - (2) Description of applicable state water quality standards for water bodies that will be affected by the Project.
- **b.** Map and description of existing points of diversion for municipal, agricultural, industrial, and recreational uses of water within the County.
- c. Descriptions of the immediate and long-term impact and net effects that the Project would have on the quantity and quality of surface water under both average and worst case conditions.
- **d.** Description and net effects that the Project would have on municipal, agricultural, industrial, and recreational uses of water within the County, both under average and worst case conditions.

4. Groundwater Quality and Quantity.

- a. Map and description of all groundwater, including any aquifers that will be affected by the Project. At a minimum, the following information shall be provided:
 - (1) Seasonal water levels in each subdivision of the aguifer affected by the Project.

- (2) Artesian pressure in aquifers and a description of how the Project may affect adjacent communities and users on wells.
- (3) Groundwater flow directions and levels.
- (4) Existing aquifer recharge rates and methodology used to calculate recharge to the aquifer from any recharge sources.
- (5) For aquifers to be used as part of a water storage system, methodology and results of tests used to determine the ability of the aquifer to impound groundwater and the aquifer storage capacity.
- (6) Seepage losses expected at any subsurface dam and at stream-aquifer interfaces and methodology used to calculate seepage losses in the affected streams, including description and location of measuring devices.
- (7) Existing groundwater quality and classification.
- (8) Location of all water wells and their uses.
- **b.** Description of the impacts and net effect of the Project on groundwater under both average and worst case conditions.

5. Water Quantity

- **a.** Map and/or description of existing stream flows and reservoir levels.
- Map and/or description of existing Colorado Water Conservation Board held minimum stream flows.
- c. Descriptions of the impacts and net effect that the Project would have on water quantity under both average and worst case conditions.
- **d.** Statement of methods for efficient utilization of water.
- 6. Wetlands and Riparian Areas.

- a. Map and description of all floodplains, wetlands, and riparian areas that will be affected by the Project, including a description of each type of wetlands, species composition, and biomass.
- **b.** Description of the source of water interacting with the surface systems to create each wetland (i.e., side-slope runoff, over-bank flooding, groundwater seepage, etc.).
- **c.** Description of the impacts and net effect that the Project would have on the floodplains, wetlands and riparian areas.

7. Terrestrial and Aquatic Animals and Habitat.

- a. Map and description of terrestrial and aquatic animals that will be affected by the Project including the status and relative importance of game and non-game wildlife, livestock and other animals; a description of streamflows and lake levels needed to protect the aquatic environment; description of threatened or endangered animal species and their habitat.
- Map and description of critical wildlife habitat and livestock range that will be affected by the Project including migration routes, calving areas, summer and winter range, and spawning beds.
- c. Description of the impacts and net effect that the Project would have on terrestrial and aquatic animals, habitat and food chain.

8. Terrestrial and Aquatic Plant Life.

- **a.** Map and description of terrestrial and aquatic plant life that will be affected by the Project including the type and density, and threatened or endangered plant species and habitat.
- **b.** Descriptions of the impacts and net effect that the Project would have on terrestrial and aquatic plant life.

9. Soils, Geologic Conditions and Natural Hazards.

- a. Map and description of soil, geologic conditions, and natural hazards, including soil types, drainage areas, slopes, avalanche areas, debris fans, mud flows, rock slide areas, faults and fissures, seismic history, and wildfire hazard areas.
- **b.** Descriptions of the risks to the Project from natural hazards.
- **c.** Descriptions of the impact and net effect of the Project on soil and geologic conditions in the area.
- **J. Nuisance.** Descriptions of noise, glare, dust, fumes, vibration, and odor levels caused by the Project.

K. Hazardous Materials Description.

- Description of all hazardous, toxic, and explosive substances to be used, stored, transported, disturbed or produced in connection with the Project, including the type and amount of such substances and their location, the practices and procedures to be implemented to avoid accidental release and exposure, and any foreseeable impacts to the environment of such substances.
- 2. Location of storage areas designated for equipment, fuel, lubricants, chemical and waste storage with an explanation of spill containment measures.

L. Balance Between Benefits and Losses.

- **1.** Description of foreseeable benefits to the County created by the Project.
- 2. Description of foreseeable losses of natural, agricultural, recreational, range or industrial resources within the County and loss of opportunities to develop those resources in the future.

M. Monitoring and Mitigation Plan.

1. Description of all mitigation for the Project.

- **a.** Description of how and when mitigation will be implemented and financed.
- **b.** Description of impacts that are unavoidable and cannot be mitigated.
- **2.** Description of methodology used to measure impacts of the Project and effectiveness of proposed mitigation measures.
- 3. Description, location and intervals of proposed monitoring to ensure that mitigation will be effective.
- **N.** Additional Information May Be Necessary. The [Administrator/Director] may request that the applicant supply additional information related to the Project as may be necessary for the Board to make a determination on whether the Project satisfies approval standards.

Section 14-402 Additional Submittal Requirements Applicable to Mineral Resource Areas.

- **A.** In addition to the submittal requirements in Section 14-401, the following submittal requirements apply to applications proposing to develop land use in Mineral Resource Areas.
 - 1. Aerial photographs, if available, that reasonably portray the current condition of the area affected by the permit application. The area affected by the permit shall be outlined on the aerial photograph.
 - **2.** List of the owners of mineral rights that will be affected.
 - **3.** Type and location of mineral resources on and/or under the property.
 - **4.** Analysis of the commercial feasibility of extracting the mineral resource.
 - 5. Map or maps portraying the geologic conditions of the area with specific attention to the designated mineral resource deposit. If appropriate or needed, subsurface geologic cross sections shall also be utilized to portray the geologic conditions at depth. If possible, the geologic maps shall be at the same scale and in the same format as the development plan maps.

- **6.** For applications proposing development of a mineral resource area without the intention of exploration or extraction of minerals, the following information shall be submitted.
 - **a.** Evidence that the proposed development will not present an obstacle to extraction of the mineral resource on or under the subject property; or
 - **b.** Evidence that the proposed development will be of greater economic value than the minerals present.

Section 14-403 Additional Submittal Requirements Applicable to Natural Hazard Areas.

- **A. Flood Hazard Area.** In addition to the submittal requirements in Section 14-401, the following submittal requirements apply to applications proposing to develop land use in flood hazard areas.
 - 1. Application materials required in Article 4, Section 4-604, Description of Additional Submittal Requirements for Land Use in Floodplain Overlay District.
- **B.** Geologic Hazard Area. In addition to the submittal requirements in Section 14-401, the following submittal requirements apply to applications proposing land use in Geologic Hazard Areas.
 - 1. A geology report documenting and assessing the nature and extent of the applicable geologic hazard, its impact on the proposed land use, and any proposed mitigation measures, prepared by either a member of the American Institute of Professional Geologists, a member of the Association of Engineering Geologists, or an individual registered as a geologist by a state.
- **C. Wildfire Hazard Area.** In addition to the submittal requirements in Section 14-401, the following submittal requirements apply to applications proposing land use in Wildfire Hazard Areas. The required maps shall be prepared and signed by a professional forester.
 - 1. Map or maps portraying the existing wildfire hazard conditions of the area with particular attention given to the slope, aspect, topographic and vegetation (living and dead) conditions.
 - **2.** Map or maps and associated narrative showing:

- **a.** The procedures proposed to reduce conditions of wildfire hazard.
- **b.** The fire protection plan for the proposed use.
- **c.** All fire suppression facilities which are necessary to meet the objectives of these Regulations.
- **3.** A list of alternative uses for the wildfire hazard area under consideration.

Section 14-404 Additional Submittal Requirements Applicable to Historical, Paleontological and Archeological Resource Areas.

- **A.** In addition to the submittal requirements in Section 14-401, the following submittal requirements apply to applications proposing to develop land use in Historical, Paleontological and Archeological Resource Areas.
 - 1. A state historical site survey form, completed by a qualified professional acceptable to the State Historic Preservation Officer, for all designated historical, paleontological and archeological resources affected by the development.
 - **2.** A description of the mitigating efforts that will be taken to preserve the designated resource.
 - 3. Plans and procedures for notification to the State Historical Society and State Archaeologist upon discovery of historical, paleontological or archaeological resources.

Section 14-405 Additional Submittal Requirements Applicable to Natural Resource Areas – Significant Wildlife Habitat.

- **A.** In addition to the submittal requirements in Section 14-401, the following submittal requirements apply to applications proposing to develop land use in Significant Wildlife Resource Areas.
 - 1. Survey of the wildlife species and habitat existing within the Impact Area, prepared by a qualified professional.

Section 14-406 Additional Submittal Requirements Applicable to Natural Resource Areas – Shorelands of Major Publicly-Owned Reservoirs

- 2. Analysis of the effects of the proposed land use upon wildlife species and habitat needs within the Impact Area.
- 3. Description of how the applicable habitat needs will be met and conflict with those needs will be avoided during construction and operation of the proposed land use. Where conflicts are unavoidable, the description shall include proposed measures to minimize the extent and degree of conflict, including compensation through replacement or enhancement of habitat on an alternate site.

Section 14-406 Additional Submittal Requirements Applicable to Natural Resource Areas – Shorelands of Major Publicly-Owned Reservoirs.

- **A.** In addition to the submittal requirements in Section 14-401, the following submittal requirements apply to applications proposing to develop land use in Natural Resource Areas comprised of shorelands.
 - 1. Documentation of preliminary review and approval of the proposed land use by the following state agencies:
 - Colorado Division of Water Resources.
 - Colorado Water Conservation Board.
 - c. Colorado Division of Parks and Outdoor Recreation.
 - d. Colorado Division of Wildlife.
 - 2. Site plan locating the proposed land use with respect to the boundaries of public lands, and the boundaries of any associated floodplain.
 - **3.** A description of the potential impacts upon public lands.
 - **4.** Documentation of historical flooding activity and a description of the potential adverse impacts of the associated floodplain.

Section 17-407 Additional Submittal Requirements Applicable to Land Use in Areas Around an Airport or Heliport.

- **A.** In addition to the submittal requirements in Section 14-401, the following submittal requirements apply to applications proposing to develop land use in areas around Airports and Heliports:
 - 1. A map or drawing showing the location of the subject property in relation to Airport Imaginary Surfaces.
 - **2.** Elevation profiles and a site plan including:
 - **a.** Location of existing and proposed structures in relation to Airport or Heliport Imaginary Surfaces
 - **b.** Height of all existing and proposed structures, measured in feet above mean sea level.
 - **3.** Written Agreements from the Airport/Heliport Sponsor and the FAA, if a height exception is requested.
 - **4.** A declaration of anticipated noise levels for property located within Noise Impact Area boundaries.
 - a. For noise sensitive land use located in areas where the noise level is anticipated to be at or above 55 Ldn, the applicant shall demonstrate that a noise abatement strategy will be incorporated into the building design that will achieve an indoor noise level equal to or less than 55 Ldn.
 - 5. An Avigation and Hazard Easement dedicated to the [Airport Sponsor], in a form acceptable to the [Airport Sponsor]. The Avigation Easement shall allow unobstructed passage for aircraft and ensure safety and use of the airport for the public. A sample avigation easement is provided in Appendix B of these Regulations.
 - **a.** The Avigation and Hazard Easement shall be recorded in the office of the [County] Clerk and Recorder.
 - **b.** Applicant shall provide a copy of the recorded instrument prior to issuance of a building permit.

Section 14-408 Additional Submittal Requirements Applicable to Areas Around Major Facilities of a Public Utility.

- **A.** In addition to the submittal requirements in Section 14-401, the following submittal requirements apply to applications proposing to develop land use in areas around Major Facilities of a Public Utility.
 - **1.** Site plan showing the following:
 - **a.** Relationship of the subject property to the facility.
 - **b.** Relationship of the proposed land use to the boundaries of the facility's control zone.
 - **2.** Description of any relationship between the proposed land use and the facility.

Section 14-409 Additional Submittal Requirements Applicable to Development in Areas Around Interchanges Involving Arterial Highways.

- **A.** In addition to the submittal requirements in Section 14-401, the following submittal requirements apply to applications proposing to develop land use in areas around Interchanges Involving Arterial Highways.
 - 1. Site plan locating the proposed land use with respect to the following:
 - a. The boundaries of the designated interchange area and the zones within.
 - b. The location and nature of existing or approved developments and land use within the interchange influence area.
 - c. The location of all existing or proposed accesses, driveways and curb-cuts within the interchange influence area.
 - 2. A report detailing the maximum traffic volume the interchange and the access road are designed to handle.
 - 3. A description of existing population and development patterns within the interchange influence area.

Section 14-411 Additional Submittal Requirements Applicable to Development in Areas Around Interchanges Involving Arterial Highways.

- 4. A listing of the benefits and burdens which the proposed land use will bring to the communities of the region.
- 5. The applicable federal and state ambient air quality standards and a survey of existing air quality information for the area, including the nature, source and quantity of emissions from other sources in the affected area, both direct and indirect, the existing ambient air quality and the topography and meteorology of the area.
- 6. An estimate of the effect of the proposed land use on air quality in the area, including the nature and quantity of the direct emissions and the effect of the proposed land use as an indirect source of air pollution based upon the number of additional vehicle miles traveled which will be generated by the proposed use.
- 7. All air quality mitigation actions to be taken, including programs to utilize existing or planned mass transportation systems, car pools, traffic and vehicle flow control techniques.
- 8. A survey detailing existing and planned motorized traffic facilities.

Section 14-410 Additional Submittal Requirements Applicable to Development in Areas Around Rapid or Mass Transit Facilities.

- **A.** In addition to the submittal requirements in Section 14-401, the following submittal requirements apply to applications proposing to develop land use in areas around Rapid or Mass Transit Facilities.
 - 1. Map or maps at sufficient scale showing the location of the proposed land use and its relationship to the rapid or mass transit station or terminal and the interchanges, streets, highways, parking lots and public facilities which are adjacent to or form an integral part of the operation of the Rapid or Mass Transit Facility.
 - 2. Maps or diagrams illustrating the pedestrian and bicycle routes that can be utilized to gain access between the proposed development and the adjacent Rapid or Mass Transit Facility.
 - 3. A narrative description of the motor vehicle, bicycle and pedestrian traffic likely to be generated by the proposed development, including traffic generation at various times of the day, potential

Section 14-412 Additional Submittal Requirements Applicable to Site Selection and Construction of Major New Domestic Water and Wastewater Treatment Systems, and Major Extensions of Existing Domestic Water and Wastewater Treatment Systems

congestion and potential demand for parking generated by the proposed land use.

4. Narrative description of the impacts of the proposed land use to the Rapid or Mass Transit Facility.

Section 14-411

Additional Submittal Requirements Applicable to Site Selection and Construction of Major New Domestic Water and Wastewater Treatment Systems, and Major Extensions of Existing Domestic Water and Wastewater Treatment Systems.

- **A.** In addition to the submittal requirements in Section 14-401, the following submittal requirements apply to applications proposing Site Selection and Construction of Major New Domestic Water and Wastewater Treatment Systems, and Major Extensions of Existing Domestic Water and Wastewater Treatment Systems.
 - 1. Description of existing domestic water and wastewater treatment facilities in the vicinity of the Project, including their capacity and existing service levels, location of intake and discharge points, service fees and rates, debt structure and service plan boundaries, and reasons for and against hooking on to those facilities.
 - Description of how the Project will affect urban development, urban densities, and site layout and design of stormwater and sanitation systems.
 - 3. Description of other water and wastewater management agencies in the Project area and reasons for and against consolidation with those agencies.
 - **4.** Description of how the Project may affect adjacent communities and users on wells.

Section 14-412 Additional Submittal Requirements Applicable to Major Facilities of a Public Utility.

A. In addition to the submittal requirements in Section 14-401, the following submittal requirements apply to applications proposing Major Facilities of a Public Utility.

- Detailed plans for the facility including, but not limited to, the associated system capacity and proposed service area plans and maps.
- **2.** Description of existing and proposed service in the area to be served.
- Description of the distribution network for the area proposed to be served.
- **4.** Map and description of areas around the Project and likelihood of nearby activities disrupting utility services.
- **5.** Description of how the Project will affect existing community patterns.
- 6. Description of the applicable provisions of the [Comprehensive Plan/Master Plan] and any applicable intergovernmental agreements, and the Project's compliance with those provisions.

Section 14-413 Additional Submittal Requirements Applicable to Municipal and Industrial Water Projects.

- **A.** In addition to the submittal requirements in Section 14-401, the following submittal requirements apply to Municipal and Industrial Water Projects.
 - **1.** Description of demands that the Project expects to meet and basis for projections of that demand.
 - 2. Map and description of other municipal and industrial water projects in the vicinity of the Proposed Project, including their capacity and existing service levels, location of intake and discharge points, service fees and rates, debt structure and service plan boundaries and reasons for and against hooking on to those facilities.
 - 3. Verification that the Project will not conflict with federal, state, regional or local planning policies or regulations applicable to land or water resources.
 - **4.** Description of efficient water use, recycling and reuse technology the Project intends to use.

5. Description of the proposed methods by which stormwater and wastewater will be prevented from contaminating aquifers, if municipal or industrial wastewaters or stormwater disposal methods are not subject to regulation by state and/or federal statutes or regulations.

Section 14-414 Additional Submittal Requirements Applicable to Site Selection and Development of Solid Waste Disposal Sites.

- **A.** In addition to the submittal requirements in Section 14-401, the following submittal requirements apply to applications proposing Site Selection and Development of Solid Waste Disposal Sites.
 - Analysis of capacity of existing landfills in the County, remaining life of existing landfill, and the need for a new major solid waste disposal site.
 - **2.** Report on wind conditions for the site.
 - **3.** Description of potential pollution problems related to the site.
 - **4.** Description of efforts to recycle waste and conservation practices to be employed at the site.
 - **5.** Expected effect and impact on nearby property owners and on current land uses, compared with alternate locations.

Section 14-415 Additional Submittal Requirements Applicable to Site Selection for Airport or Heliport Location or Expansion.

- **A.** In addition to the submittal requirements in Section 14-401, the following submittal requirements apply to applications proposing to locate or expand an Airport or Heliport.
 - **1.** A lay-out plan for the Airport, that includes the following information:
 - **a.** The Airport Reference Code.
 - **b.** The Airport elevation.
 - **c.** Ground contours at 10' intervals.

- **d.** The location and dimensions of the runways and the Airport Imaginary Surfaces.
- **e.** The layout of existing and planned facilities and features.
- **f.** The building restriction lines.
- g. The relationship of the runway(s) and RPZs to the land parcel(s) on which the Airport is to be located and to adjoining land parcels.
- **2.** A lay-out plan for the Heliport/Helistop, that includes the following information:
 - **a.** The design helicopter.
 - **b.** The Heliport elevation.
 - **c.** Ground contours at 10' intervals.
 - **d.** The location and dimensions of the Heliport.
 - **e.** The layout of existing and planned facilities and features.
 - **f.** Ground contours at 10' intervals.
 - **g.** The building restriction lines.
 - h. The relationship of the Final Approach and Takeoff Area (FATO), the Touchdown and Lift-off Area (TLOF), the Safety Area and the Approach/Depature and Transitional Surfaces (as defined in AC 150/5390-2) to the land parcel(s) on which the heliport/helistop is to be located and to adjoining land parcels.
- 3. Map and description of flight patterns as related to other land uses, and description of potential public safety and property issues related to the airport and plane crashes.
- **4.** Approach Profiles.

Section 14-415 Additional Submittal Requirements Applicable to Site Selection for Airport or Heliport Location or Expansion

- a. Airport approach profiles shall depict the composite profile based on the highest terrain across the width and along the length of each RPZ.
- b. Heliport/Helistop approach profiles shall depict the composite profile based on the highest terrain across the width and along the length of each approach surface (Helistop approach surface profiles are required for the inner 1,000' only).
- **5.** Description of how the Airport or Heliport will affect economic and transportation needs of the state and the County.

Section 14-416 Additional Submittal Requirements Applicable to Arterial Highways, Interchanges and Collector Highways.

- **A.** In addition to the submittal requirements in Section 14-401, the following submittal requirements apply to applications proposing location and construction of arterial highways, interchanges or collector highways.
 - Description of how project will affect traffic patterns as well as nonmotorized traffic.
 - 2. Description of how the new roads will likely affect surrounding land uses and existing community patterns.
 - Description of how new roads will serve community traffic demands.
 - **4.** Description of how new roads will comply with other local, state and federal regulations and master plans.

Section 14-417 Additional Submittal Requirements Applicable to Stations and Terminals.

- **A.** In addition to the submittal requirements in Section 14-401, the following submittal requirements apply to applications proposing stations or terminals associated with a rapid or mass transit system.
 - 1. Description of the type or types of mechanical transit conveyance that will be utilized to carry passengers to and from the station or terminal, and a description of the mans of access to and from the

- station or terminal including pedestrian, bicycle, automotive, bus, carpool, gondolas, lifts, and other intermodal connections either existing or reasonably foreseen to be developed in the area.
- 2. An analysis of the passengers which will utilize the proposed facility. Such analysis shall be based on the best information available and shall include:
 - **a.** Whether the passengers will be utilizing the rapid or mass transit system to travel to and from employment or for some other purpose.
 - **b.** The number of automobiles that the passengers will drive to the station or terminal at or just before any scheduled departure.
 - **c.** The number of passengers that will likely ride only one way on any given day.
 - **d.** The number of passengers that can be expected to bring baggage, recreational equipment, tools, or other material.
- 3. The anticipated schedule of departures and arrivals at the station or terminal and the expected capacity of each transit unit. Separate figures shall be given for peak and off-peak hours, weekdays and weekends, and peak and off-peak seasons.
- **4.** The maximum length of any train that will serve the station or terminal, excluding propulsion units.
- 5. Basic floor plans and architectural sketches of each proposed building or structure together with a site map showing the relative location of each building or structure. Such plans and sketches shall show the location and length of platforms to be used to load and unload passengers.
- **6.** A map of all associated roadways, parking areas and other facilities. Design details such as width, layout, traffic flow, pavement markings and traffic control devices shall either be illustrated on the map or adequately described in supporting documents.

Section 14-418 Additional Submittal Requirements Applicable to Fixed Guideways.

- **A.** In addition to the submittal requirements in Section 14-401, the following submittal requirements apply to applications proposing fixed guideways.
 - 1. Description of the type of motive power that will be used to propel transit vehicles along the guideway (e.g. diesel, electric, electrified third rail, catenary system).
 - 2. Description of the minimum and the optimum width of the right-of-way necessary for the guideway together with maps showing the proposed right-of-way including its location within incorporated municipalities. Such maps or supporting documentation referring to the maps shall also indicate the maximum anticipated speed of transit vehicles along the various segments of the guideway.
 - 3. Description of the minimum and maximum passenger capacity of the transit vehicles that will travel on the guideway and the anticipated frequency or scheduling of guideway use.
 - 4. Description of the maximum length of any train that will travel upon the guideway with separate figures for the length of passenger carrying units and for propulsion units. Self propelled units shall be considered as passenger units.
 - 5. The maximum proposed grade of the guideway and the maximum curvature. Proposed curves in excess of ten (10) degrees shall be indicated on the map.
 - **6.** Description of all buildings or other structures that must be removed in order for the proposed guideway to be built.
 - **7.** Description of the methods planned to prevent collisions at points where the proposed guideway crosses other transportation corridors.

DIVISION 5 PERMIT APPROVAL STANDARDS

Section 14-501 Application of Standards. Approval of a Permit to engage in activities of state interest or development in areas of state interest shall be based on whether the Project satisfies the approval standards. In determining

whether the Project satisfies applicable standards, the Board shall take into consideration the construction, operation and cumulative impacts of the Project. A project cannot be segmented to avoid the requirements of these Regulations. If a project is to be phased over time or is composed of distinguishable elements, the impacts of all phases or elements of the development must be considered together when determining whether the project satisfies the applicable approval standards.

Section 14-502 Basic Approval Standards.

- **A.** The following basic standards shall apply to *all* applications subject to review under these Regulations.
 - 1. Prior to site disturbance associated with the Project, the applicant can and will obtain all necessary property rights, permits and approvals. The Board may, at its discretion, defer making a final decision on the application until outstanding property rights, permits and approvals are obtained.
 - **a.** The Project will not impair property rights held by others.
 - 2. The applicant has the necessary expertise and financial capability to develop and operate the Project consistent with all requirements and conditions.
 - **3.** The Project is technically and financially feasible.
 - **4.** The Project is not subject to significant risk from natural hazards.
 - 5. The Project is consistent with relevant provisions of applicable land use and water quality plans, and will encourage appropriate land use.
 - **6.** The Project will not have a significant adverse effect on land use patterns.
 - 7. The Project will not have a significant adverse effect on the capability of local government to provide services, or exceed the capacity of service delivery systems.
 - **8.** The Project will not have a significant adverse effect on housing availability or cost.

- **9.** The Project will not create an undue financial burden on existing or future residents of the County
- **10.** The Project will not significantly degrade any current or foreseeable future sector of the local economy.
- **11.** The Project will not have a significant adverse effect on the quality or quantity of recreational opportunities and experience.
- **12.** The planning, design and operation of the Project will reflect principals of resource conservation, energy efficiency and recycling or reuse.
- 13. The Project will not significantly degrade the natural environment. Appendix "A" includes the considerations that will be used to determine whether there will be significant degradation of the environment. For purposes of this section, the term environment shall include:
 - **a.** Air quality.
 - **b.** Visual quality.
 - **c.** Surface water quality.
 - **d.** Groundwater quality.
 - **e.** Wetlands and riparian areas.
 - **f.** Terrestrial and aquatic animal life.
 - **g.** Terrestrial and aquatic plant life.
 - **h.** Soils and geologic conditions.
- **14.** The Project will not cause a nuisance.
- **15.** The Project will not significantly degrade areas of paleontological, historic, or archaeological importance.
- 16. The Project will not result in unreasonable risk of releases of hazardous materials. In making this determination as to such risk, the Board's consideration shall include:

- **a.** Plans for compliance with federal and state handling, storage, disposal and transportation requirements.
- **b.** Use of waste minimization techniques.
- **c.** Adequacy of spill prevention and response plans.
- 17. The benefits accruing to the County and its citizens from the Project outweigh the losses of any natural, agricultural, recreational, grazing or commercial resources within the County, or the losses of opportunities to develop such resources.
- **18.** The Project represents the alternative that best complies with these Regulations.
- **19.** The Project is needed within the County and/or area to be served.

Section 14-503 Additional Standards Applicable to Mineral Resource Areas.

- **A.** In addition to the standards in Section 14-502, the following standards shall apply to land use in Mineral Resource Areas.
 - 1. Extraction and exploration of minerals shall be accomplished in a manner which causes the least practicable environmental disturbance. Surface area disturbance associated with the Project shall be reclaimed in accordance with the provisions of Article 32 of Title 34, C.R.S.
 - 2. Areas containing only sand, gravel, quarry aggregate or limestone used for construction purposes shall be administered as provided by Part 3 of Article 1 of Title 34, C.R.S.
 - **3.** The proposed extraction and exploration of minerals would not cause significant danger to public health and safety.
 - 4. If the economic value of the minerals present is less than the value of another existing or requested use, the other use should be given preference. Other uses which would not interfere with the extraction and exploration of minerals may be allowed.

Section 14-504 Additional Standards Applicable to Natural Hazard Areas.

- **A. Flood Hazard Areas.** In addition to the standards in Section 14-502, the following standards shall apply to land use in Flood Hazard Areas.
 - 1. Land use shall preserve the integrity of the flood hazard area by not altering or impacting it in any way which is likely to pose a significant threat to public health or safety or to property (including the subject property, other impacted properties, or the environment).
 - 2. Land use which, in time of flooding, will likely pose a significant threat to public health or safety or to property (including the subject property, other impacted properties, or the environment) shall be prohibited. In determining whether there will likely be a significant threat, the following factors shall be considered:
 - a. Creation of obstructions from the proposed development during times of flooding, and vulnerability of the proposed development to flooding.
 - **b.** Use of flood protection devices or floodproofing methods.
 - **c.** Nature or intensity of the proposed development.
 - **d.** Increases in impervious surface area caused by the proposed development.
 - **e.** Increases in surface runoff flow rate and amount caused by the proposed development.
 - f. Increases in flood water flow rate and amount caused by the proposed development.
 - **g.** Proximity and nature of adjacent or nearby land uses.
 - **h.** Impacts to downstream properties or communities.
 - i. Impacts on shallow wells, waste disposal sites, water supply systems, and sewage disposal or septic systems.

- 3. Development shall comply with the Floodplain Overlay District Regulations in Article 3, Section 3-401 of the Land Use Code.
- **B. Geologic Hazard Areas.** In addition to the standards in Section 14-502, the following standards apply to land use in Geologic Hazard Areas.
 - 1. Development shall not aggravate the hazardous condition or otherwise pose a significant risk to public health and safety or to property.
 - 2. Open space activities such as agriculture, passive recreation not requiring the development of playing fields, spectator stands or other significant structures, and mineral extraction, shall be encouraged provided they can be conducted in a manner which does not aggravate the hazardous condition or otherwise pose a significant risk to public health and safety or to property.
 - **3.** Any approved development shall be designed in a manner that mitigates any significant risk posed by the geologic hazard.
 - **4.** Shallow wells, solid waste disposal sites, water supply systems, and septic tanks and sewage disposal systems shall be protected.
 - **5.** Development shall comply with all applicable [<u>County Building</u> <u>Code</u>] and [<u>Health Department</u>] regulations.
- **C. Wildfire Hazard Area.** In addition to the standards in Section 14-502, the following standards apply to land use in Wildfire Hazard Areas.
 - 1. Structures shall not be located on slopes of 30% or greater.
 - **2.** Structures shall not be located within a fire chimney.
 - **3.** The proposed land use shall not constitute a probable source of fire ignition.
 - 4. The proposed land use shall not increase the potential intensity or duration of a wildfire, or adversely affect wildfire behavior or fuel conditions so as to increase the wildfire danger and potential for damage to others.
 - **5.** The proposed land use shall provide reasonable fire protection and suppression facilities.

- **6.** The proposed land use shall include reasonable provisions for keeping developed areas continuously free of slash.
- 7. The Project shall take the necessary precautions or steps to avoid, eliminate or reduce the wildfire hazard, or otherwise provide for maximum fire prevention and safety. Consideration shall be given to the following factors affecting the proposed land use, and the construction and operational activities associated with it: slope, aspect, dominant wind patterns, fuel conditions and any combination of these.
- 8. All uses, new development, new construction and substantial improvements which are intended for or allow for human occupation, habitation or congregation, shall be in accordance with applicable standards contained in the Wildfire Safety Guidelines and Standards for Subdivisions and Developments, September 1974, Colorado State Forest Service, and the Uniform Building Code.

Section 14-505 Additional Standards Applicable to Areas Containing or Having Significant Impact on Historical, Paleontological or Archaeological Resources.

- **A.** In addition to the standards in Section 14-502, the following standards apply to land use in Areas Containing or Having Significant Impact on Historical, Paleontological or Archaeological Resources.
 - **1.** Development shall be designed to preserve the integrity of the resource.
 - 2. Development shall be conducted in a manner which will be compatible with the preservation of the resource and minimize damage to the resource.

Section 14-506 Additional Standards Applicable to Natural Resource Areas.

- **A.** In addition to the standards in Section 14-502, the following standards apply to land use in Natural Resource Areas.
 - **1.** Development shall be designed to preserve the integrity of the resource.

- 2. Development shall be conducted in a manner which will be compatible with the preservation of the resource and minimize damage to the resource.
- 3. The proposed development will not adversely affect either surface or subsurface water rights.
- **4.** The proposed development will not significantly deteriorate significant wildlife habitat.
- 5. The proposed development will not significantly degrade existing natural scenic characteristics, create blight, or cause other nuisance factors such as excessive noise or obnoxious odors.

Section 14-507 Approval Standards Applicable to Areas Around Airports and Heliports.

- **A.** In addition to the standards in Section 14-502, the following standards apply to land use in Areas Around Airports and Heliports.
 - Communications Facilities and Electrical Interference. No use shall cause or create electrical interference with navigational signals or radio communications between an airport/heliport and aircraft.
 - a. Location of new or expanded radio, radiotelephone, and television transmission facilities and electrical transmission lines within the Airport/Heliport Influence Area Overlay shall be coordinated with the Board of County Commissioners and the FAA prior to approval.
 - b. The approval of cellular and other telephone or radio communication towers on leased property located within Airport Imaginary Surfaces shall be conditioned upon their removal within ninety (90) calendar days following the expiration of the lease agreement. A bond or other security shall be required to ensure this requirement.
 - **2. Outdoor Lighting.** Lighting other than that associated with airport/heliport operations shall comply with the following standards.
 - **a.** Lighting shall not project directly onto an existing heliport, runway or taxiway or into existing Airport Approach

Surfaces.

- **b.** Lighting shall incorporate shielding to reflect light away from Airport Approach Surfaces.
- c. Lighting shall not imitate airport lighting or impede the ability of pilots to distinguish between airport/heliport lighting and other lighting.
- 3. Use of Reflective Materials Prohibited. No glare producing material, including but not limited to unpainted metal or reflective glass, shall be used on the exterior of structures located within an Airport Approach Surface or on nearby lands where glare could impede a pilot's vision.
- 4. Industrial Emissions That Obscure Visibility Prohibited. No development shall, as part of its regular operations, cause emissions of smoke, dust or steam that could obscure visibility within Airport Approach Surfaces.
- 5. Height Restrictions.
 - a. When height restrictions of the underlying zone district are more restrictive than those of the overlay district, the underlying zone district height limitations shall control.
 - **b.** No structure or tree, plant or other object of natural growth shall penetrate an Imaginary Surface except as follows:
 - (1) For areas within Airport or Heliport Imaginary
 Surfaces but outside the Approach and Transition
 Surfaces, where the terrain is at higher elevations
 than the Airport runway or Heliport surfaces such that
 existing structures and permitted development
 penetrate or would penetrate the Airport Imaginary
 Surface, structures up to thirty-five (35) feet in height
 may be allowed.
 - (2) Written agreement by the Airport Sponsor and the FAA shall be provided for other height exceptions requested.
- 6. Wetland Construction, Enhancement, Restoration or

Mitigation. Projects proposing wetland construction, enhancement, restoration or mitigation within area around an Airport or Heliport shall comply with the following approval standards.

- a. Wetland projects shall be designed and located to avoid creating a wildlife hazard or increasing hazardous movements of birds across runways or Approach Surfaces.
- b. Wetlands projects that create, enhance or restore wetlands that are proposed to be located within an area around an Airport or Heliport facility and that would result in the creation of a new water impoundment or expansion of an existing water impoundment shall demonstrate the following:
 - (1) The affected wetlands provide unique ecological functions, such as critical habitat for threatened or endangered species or ground water discharge.
 - (2) The resulting wetlands are designed, and shall be maintained in perpetuity, in a manner that will not increase hazardous movements of birds feeding, watering or roosting in areas across runways or approach surfaces.
- c. Expansion of existing wetland mitigation projects and new wetland mitigation projects located within areas around an Airport or Heliport shall demonstrate at least one of the following:
 - (1) Off-site mitigation is not practicable; or
 - (2) The affected wetlands provide unique ecological functions, such as critical habitat for threatened or endangered species or ground water discharge, and the area proposed for mitigation is located outside an Approach Surface; or
 - (3) The mitigation involves existing wetland within areas around an Airport or Heliport that have not been associated with attracting problematic wildlife to the Airport or Heliport vicinity.

- d. The proposed wetland project shall be coordinated with the Airport Sponsor, the Board, the FAA and FAA's technical representative, the Colorado Department of Fish & Wildlife (ODFW), the US Fish & Wildlife Service (USFWS), and the US Army Corps of Engineers (Corps) as part of the permit application.
- e. A Project proposing wetland construction, enhancement, restoration or mitigation within areas around an Airport or Heliport shall include measures deemed appropriate and necessary to prevent in perpetuity an increase in hazardous bird movements across runways and Approach Surfaces.
- f. The establishment of wetland mitigation banks in the vicinity of Airports or Heliports but outside Approach Surfaces and areas around Airports or Heliports subject to these Regulations shall be encouraged.
- 7. Water Impoundments Within Approach Surfaces and Airport Direct and Secondary Impact Boundaries. Any use or activity that would result in the establishment or expansion of a water impoundment shall comply with the following standards.
 - **a.** New or expanded water impoundments of one-quarter acre in size or larger shall be prohibited in the following areas:
 - (1) Within an Approach Surface and within 5,000 feet from the end of a runway.
 - (2) On land owned by the Airport or Heliport Sponsor that is necessary for Airport or Heliport operations.
- 8. Use Restrictions, Areas Around Airports and Heliports.
 - a. Runway Protection Zone (RPZ). No structures shall be allowed within the Runway Protection Zone (RPZ). Exceptions shall be made for structures accessory to airport operations whose location within the RPZ has been approved by the FAA.
 - (1) For purposes of this document, tee markers, tee signs, pin cups and pins are not considered to be structures.

(2) Utilities, power lines and pipelines located in the RPZ must be underground.

b. Approach Surfaces.

- (1) Public assembly facilities may be allowed in an Approach Surface if the potential danger to public safety is minimal.
- (2) High density uses and residential structures should be located outside Approach Surfaces unless no practicable alternatives exist.
- c. Uses Prohibited in Areas Around Airports or Heliports:
 - (1) Sanitary Landfills. Sanitary landfills are not allowed.
 - (2) Water Treatment Plants. Water treatment plants are not allowed.
- d. Uses Allowed in Areas Around Airports or Heliports:
 - (1) Golf Courses. Golf courses may be allowed upon demonstration that satisfactory management techniques will be utilized to reduce existing wildlife attractants and avoid the creation of new wildlife attractants. Such techniques shall be required as conditions of the approval.
 - (2) Farm Use. Farming practices complying with the recommendations of FAA Advisory Circular 150/5200-3A, Hazardous Wildlife Attractants on or Near Airports shall be encouraged.
 - (3) Utilities. The proposed height of utilities located in Approach Surfaces and Airport Direct and Secondary Impact Areas shall be coordinated with the Airport Sponsor.
- e. Restrictions In RPZ, Approach Surface, and Impact Areas. The land uses restrictions in the RPA, Approach

Surface, Direct Impact Areas and Secondary Impact Area are identified in the following use table.

Table: Use Restrictions, RPZ, Approach Surface, and Impact Areas.

Kev:

P = Use is Allowed

L = Use is Allowed Under Limited Circumstances (see footnotes)

N = Use is Not Allowed

	RPZ	APPROACH SURFACE ¹	DIRECT IMPACT AREA	SECONDARY IMPACT AREA	
Public Airport	L	L	Р	Р	
Residential	N	L ²	L	Р	
Commercial	N	L	L	Р	
Industrial	N	L	Р	Р	
Institutional	N	L	L	Р	
Roads/Parking	L ³	Р	Р	Р	
Parks/Open Space	L	Р	Р	Р	
Athletic Fields	N	L	L	Р	
Mining	N	L	L	L	

- 1. Within 10,000 feet from the end of the primary surface of a non-precision instrument runway, and within 50,000 feet from the end of the primary surface of a precision instrument runway.
- 2. Residential densities within approach and transitional surfaces should not exceed: (1) within 500 feet of the outer edge of the RPZ, 1 unit per acre; (2) within 500 to 1,500 feet of the outer edge of the RPZ, 2 units per acre; (3) within 1,500 to 3,000 feet of the outer edge of the RPZ, 4 units per acre.
- Roads and parking areas are allowed in the RPZ only upon demonstration that there are not
 practicable alternatives. Lights, guardrails, and related accessory structures are prohibited. Cost may
 be considered in determining whether practicable alternatives exist.

Source: Model Public Use Airport Safety And Compatibility Overlay Zone (Visual and Instrument Approach Airports), Oregon Department of Aviation

- 9. Separation of Noise-Sensitive Land Use. Areas around Airports and Heliports shall be administered to encourage land use patterns that will separate uncontrollable noise sources from residential and other noise-sensitive areas.
 - a. Within Airport or Heliport Noise Impact Boundaries, the following land use restrictions shall apply, based upon noise levels:

Table: Use Restrictions Based On Noise Levels.

Key:

P = Use is Allowed

L = Use is Not Recommended but May be Allowed Under Certain Circumstances

N = Use is Not Allowed

	YEARLY DAY-NIGHT AVERAGE SOUND LEVEL (Ldn)							
	IN DECIBELS					0.5		
LAND USE	<65	65-70	70-75	75-80	80-85	>85		
Residential except mobile homes &	Р	L	L	N	N	N		
transient lodging								
Mobile Home Parks	Р	N	N	N	N	N		
Transient Lodging	Р	L	L	L	N	N		
Schools, Hospitals & Nursing Homes	Р	L		N	N	N		
Churches, Auditoriums & Concert Halls	Р	L	L	N	N	N		
Government Service	Р	Р	L	L	N	N		
Transportation	Р	Р	L	L	L	L		
Parking	Р	Р	L	L	L	N		
Commercial Use	Р	Р	L	L	N	N		
Wholesale & Retail – building materials,	Р	Р	L	L	L	N		
hardware & farm equipment								
Retail Trade - General	Р	Р	L	L	N	N		
Utilities	Р	Р	L	L	L	N		
Communication	Р	Р	L	L	L	N		
Manufacturing & Production	Р	Р	L	L	L	N		
Photographic & Optical	Р	Р	L	L	L	N		
Agriculture (except livestock) & forestry	Р	L	L	L	L	L		
Livestock Faring & Breeding	Р	L	L	N	N	N		
Mining & Fishing	Р	Р	Р	Р	Р	Р		
Outdoor Sports Arenas & Spectator	Р	L	L	N	N	N		
Sports								
Outdoor Music Shells, Amphitheatres	Р	N	N	N	N	N		
Nature Exhibits & Zoos	Р	Р	N	N	N	N		
Amusements, Parks, Resorts & Camps	Р	Υ	Υ	N	N	N		
Golf Courses, Riding Stables & Water	Р	Р	L	L	N	N		
Recreation								

Source: AC150/5020-1.

Section 14-508 Additional Standards Applicable to Areas Around Major Facilities of a Public Utility.

- **A.** In addition to the standards in Section 14-502, the following standards apply to land use in Areas Around Major Facilities of a Public Utility.
 - **1.** The Project shall preserve the desirable existing community patterns.
 - 2. The Project shall not pose a danger to public health or safety or to property and the environment.

Section 14-509 Additional Standards Applicable to Areas Around Arterial Highways, Interchanges and Collector Highways

- A. In addition to the standards in Section 14-502, the following standards shall apply to land use in areas around arterial highways, interchanges and collector highways:
 - 1. The Project shall not pose a danger to public health or safety or to property and the environment.
 - 2. The volume of traffic to be generated by the Project shall be compatible with the traffic-handling characteristics of the interchange, the access road, and existing traffic roads affected by the proposed land use.
 - 3. The Project shall be compatible with existing developments and with the character of the neighborhood, and shall not significantly impact an area or resource of special scenic, historical, or cultural significance.
 - **4.** The Project shall preserve desirable existing community patterns.
 - **5.** The Project shall encourage compatibility with non-motorized traffic.
 - 6. A land use that proposes burdens or deprivations on the communities of a region shall not be justified on the basis of local benefit alone.

Section 14-510 Additional Standards Applicable to Areas Around Rapid or Mass Transit Facilities.

- **A.** In addition to the standards in Section 14-502, the following standards shall apply to land use in Areas Around Rapid or Mass Transit Facilities.
 - **1.** The Project promotes the efficient utilization of the rapid or mass transit facility.
 - 2. The Project facilitates traffic circulation patterns of the roadways serving the mass transit facility.
 - 3. The Project promotes development that will include bike and pedestrian paths providing access to the rapid or mass transit facility.

Section 14-511 Additional Standards Applicable to Site Selection and Construction of Major New Domestic Water and Wastewater Treatment Systems and Major Extensions of Existing Domestic Water and Wastewater Treatment Systems.

- **A.** In addition to the standards in Section 14-502, the following standards shall apply to applications proposing to locate and construct Major New Domestic Water and Wastewater Treatment Systems and major extensions of Existing Domestic Water and Wastewater Treatment Systems
 - 1. New domestic water and wastewater treatment systems and major extensions of existing domestic water and wastewater treatment systems shall be constructed in areas which will result in the proper utilization of existing treatment plants within the County and will ensure the orderly development of domestic water and wastewater treatment systems of adjacent communities within the County.
 - 2. Major extensions of domestic water and wastewater treatment systems shall be allowed in those areas in which the anticipated growth and development that may occur as a result of such extension can be accommodated within the financial and environmental capacity of the area to sustain such growth and development.

Section 14-511 Additional Standards Applicable to Site Selection and Construction of Major New Domestic Water and Wastewater Treatment Systems and Major Extensions of Existing Domestic Water and Wastewater Treatment Systems

- 3. The scope and nature of the Project will not compete with existing water and wastewater services or create duplicate services.
- **4.** Existing water and wastewater treatment systems servicing the area are at or near operational capacity.
- 5. The age of existing domestic water and wastewater treatment systems, operational efficiency, state of repair or level of service is such that replacement is warranted.
- **6.** Existing facilities cannot be upgraded or expanded to meet waste discharge permit conditions of the Colorado Water Control Division.

Section 14-512 Additional Standards Applicable to Site Selection and Construction of Major Facilities of a Public Utility.

- **A.** In addition to the standards in Section 14-502, the following standards shall apply to applications proposing to locate and construct Major Facilities of a Public Utility.
 - 1. Facilities shall be sited and constructed in areas which will result in the proper utilization of existing facilities and associated systems within or serving the County.
 - 2. Facilities shall be allowed in those areas in which the anticipated growth and development that may occur as a result of such facility can be accommodated within the financial and environmental capacity of the area to sustain such growth and development and are in accordance with the applicable County land use plans.
 - **3.** Existing facilities and associated systems servicing the area must be at or near operational capacity.
 - 4. If a facility extension or replacement is proposed, the age of existing facilities and associated systems, their operational efficiency, and their state of repair or level of service are such that extension or replacement is warranted.
 - 5. If a new facility is proposed, existing facilities cannot be feasibly upgraded or expanded.

Section 14-513 Additional Standards Applicable to Municipal and Industrial Water Projects.

- **A.** In addition to the standards in Section 14-502, the following standards shall apply to applications proposing Municipal and Industrial Water Projects.
 - 1. The proposal shall emphasize the most efficient use of water, including, to the extent permissible under existing law, the recycling and reuse of water. Urban development, population densities, and site layout and design of storm water and sanitation systems shall be accomplished in a manner that will prevent the pollution of aquifer recharge areas.
 - 2. To promote the efficient utilization of municipal and industrial water projects, utilization of the following water sources shall be favored:
 - a. Utilization of existing municipal and industrial water supplies by lease, exchange, sale, or other disposition between persons or entities within the County, or between persons or entities within the County and outside the County.
 - b. Water supplies from sources which do not involve the removal of water from irrigated agriculture or open space or preserved lands in the County, or which do not involve increased use of native flows of water in the streams of [County].

Section 14-514 Additional Standards Applicable to Site Selection and Development of Solid Waste Disposal Sites.

- **A.** In addition to the standards in Section 14-502, the following standards shall apply to applications proposing to locate and develop Solid Waste Disposal Sites.
 - 1. Solid waste disposal sites shall be developed in accordance with sound conservation practices and shall emphasize, where feasible, the recycling of waste materials. Considerations shall include, but not be limited to the following:
 - **a.** Longevity and subsequent use of waste disposal sites.
 - **b.** Wind conditions.

- **c.** The potential problems of pollution inherent in the proposed site.
- **d.** The impact on adjacent property owners, compared with alternate locations.

Section 14-515 Additional Standards Applicable to Airports and Heliports.

- **A.** In addition to the standards in Section 14-502, the following standards shall apply to all applications proposing the location or expansion of an Airport or Heliport.
 - 1. Airport Layout. The Airport shall be developed in accordance with an FAA approved layout plan, or a layout plan approved by the Board of County Commissioners complying with FAA Advisory Circular 150/5300-13 and the current *Northwest Mountain Region Airport Layout Plan Checklist*, with the exception that aircraft tiedown dimensions need only be sufficient to provide adequate clearances for the aircraft to be tied down.
 - 2. Heliport Layout. Heliports and helistops shall be developed in accordance with an FAA approved layout plan, or a layout plan approved by the Board of County Commissioners complying with FAA Advisory Circular 150/5390-2.
 - 3. Ability to Obtain Necessary Permits. The applicant can and will obtain all necessary property rights, permits, approvals and easements (including needed easements for drainage, disposal, utilities, and avigation within airport area of influence) prior to site disturbance associated with the Project. The Board may, at its discretion, defer making a final decision on the application until outstanding property rights, permits and approvals are obtained.
 - 4. Conflict with Existing Easements. The location of the Airport or Heliport site or expansion will not unduly interfere with any existing easements for power or telephone lines, irrigation, mineral claims or roads.
 - **5. Relationship to Economic and Transportation Needs.** The location of the Airport or Heliport site or expansion complements

the existing and reasonably foreseeable economic and transportation needs of the state and of the area immediately served by the airport, particularly mass transit facilities.

- **6. Nuisance.** The location of the Airport or Heliport site or expansion shall not cause a nuisance.
 - a. The immediate and future noise levels in communities within the airport area of influence to be caused by the airport location or expansion and any anticipated future expansion will not violate any applicable local, state or federal laws or regulations; provided that in any area with a potential noise level of CNR 110 or more, no structure shall be allowed and existing structures shall be relocated.

Section 14-516 Additional Standards Applicable to Site Selection of Arterial Highways, Interchanges and Collector Highways.

- **A.** In addition to the standards in Section 14-502, the following standards shall apply to applications proposing location and construction of arterial highways, interchanges and collector highways.
 - 1. The site selected for the Project shall not conflict with the [Comprehensive Plan/Master Plan], municipal master plans, and regional or state plans.
 - **2.** Arterial highways and interchanges shall be located and designed so that community traffic needs are met.
 - 3. Arterial highways and interchanges shall be located and designed so that desirable community patterns are not disrupted.

Section 14-517 Additional Standards Applicable to Rapid or Mass Transit Facilities.

- **A.** In addition to the standards in Section 14-502, the following standards shall apply to applications proposing to develop Rapid or Mass Transit Facilities:
 - 1. The location of Rapid or Mass Transit Facilities shall not conflict with the [Comprehensive Plan/Master Plan], municipal master plans, and regional or state plans.

- 2. Activities involving Rapid or Mass Transit Facilities shall be conducted with reasonable considerations to the character of the area and its peculiar suitability for particular uses
- 3. Rapid or Mass Transit Facilities shall be located so as to preserve the value of buildings at the site and avoid demolition of businesses or residences to the extent possible.
 - a. Proposed locations of Rapid or Mass Transit Facilities which will not require the demolition of residences or businesses shall be given preferred consideration over competing alternatives.
- **4.** Rapid or Mass Transit Facilities shall be located in a manner that encourages the most appropriate use of land through the affected corridor.
- 5. Proposed location of a Rapid or Mass Transit Terminal, Station, or Fixed Guideway that imposes a burden or deprivation on a local government shall not be justified on the basis of local benefit alone, nor shall a permit for such a location be denied solely because the location places a burden or deprivation on one local government.
- **6.** Stations, shelters and terminals shall be appropriately located to meet transit needs and to attract maximum ridership.
 - a. The length of passenger platforms shall equal or exceed the maximum length of any train or other conveyance that will load and unload passengers at the station.
- **7.** Rapid or Mass Transit Facilities shall have adequate and safe ingress and egress for all transit modes.
- **8.** The location of fixed guideways shall maximize joint use of rights-of-way for trails and bikeways and other transportation alternatives.
- **9.** Rapid or Mass Transit Facilities shall be designed and located in a manner that will reduce traffic congestion and resulting air pollution.
- **10.** Rapid or Mass Transit Facilities shall be located and designed so as to minimize noise and to protect and preserve unique natural and cultural factors and visual amenities.

- 11. Guideway design and location shall not permit snow plumes from snow removal equipment on the guideway to reach the travel surface of a plowed public road except at intersections, nor shall guideways be placed or designed so that snow plumes from snow removal equipment on public roads will reach the guideway.
 - a. In determining the right-of-way and corridor alignment for rapid transit, consideration shall be given to areas needed for snow storage along the guideway.
- 12. The parking areas associated with a Rapid or Mass Transit
 Terminal or Station shall be capable of holding a number of
 automobiles that equals the number of passengers expected to ride
 on peak periods multiplied by a factor of .75 unless the applicant
 can demonstrate through studies that a lesser number is sufficient.
 - a. The required capacity for parking areas associated with a terminal or station may be modified based upon sufficient evidence of passenger loading from other forms of intermodal transfer (such as Amtrack, tour busses, regional surface buses, carpools, etc.).
 - b. The applicant may initially provide a smaller number of parking spaces if the total area dedicated to potential parking expansion is shown to be large enough to accommodate the required number of parking spaces and the applicant provides financial security acceptable to the Board which guarantees that the required number can be built if actual need is shown after operation begins.
- 13. Access roads to a Rapid or Mass Transit Station or Terminal shall be designed, constructed or improved to accommodate, during a 15 minute period, the maximum number of automobiles anticipated to arrive before the scheduled departure of the mass transit conveyance without causing cars to back up onto the public road serving the facility.
- **14.** The Manual on Traffic Control Devices shall apply to safety devices at intersections of a fixed guideway and other transportation corridors.

DIVISION 6 FINANCIAL GUARANTEE

Section 14-601 Financial Guarantee Required. Before any permit is issued under these Regulations, the Board shall require the applicant to file a guarantee of financial security deemed adequate by the Board and payable to the County. The purpose of the financial guarantee is to assure the following:

- **A.** That the Project is completed and, if applicable, that the Development Area is properly reclaimed.
- **B.** That the applicant performs all mitigation requirements and permit conditions in connection with the construction, operation and termination of the Project.
- **C.** That increases in public facilities and services necessitated by the construction, operation and termination of the Project are borne by the permittee.
- **D.** That shortfalls to County revenues are offset in the event that the Project is suspended, curtailed or abandoned.

Section 14-602 Amount of Financial Guarantee. In determining the amount of the financial guarantee, the County shall consider the following factors:

- **A.** The estimated cost of completing the Project and, if applicable, of returning the Development Area to its original condition or to a condition acceptable to the County.
- **B.** The estimated cost of performing all mitigation requirements and permit conditions in connection with the construction, operation, and termination of the Project, including:
 - 1. The estimated cost of providing all public services necessitated by the proposed activity until two (2) years after the proposed activity ceases to operate; and
 - 2. The estimated cost of providing all public facilities necessitated by the proposed activity until all such costs are fully paid.

Section 14-603 Estimate. Estimated cost shall be based on the applicant's submitted cost estimate plus the Board's estimate of the additional cost to the County of bringing in personnel and equipment to accomplish any unperformed

purpose of the financial guarantee. The Board shall consider the duration of the development or activity and compute a reasonable projection of increases due to inflation. The Board may require, as a condition of the permit, that the financial security be adjusted upon receipt of bids to perform the requirements of the permit and Regulations.

Section 14-604 Form of Financial Guarantee

- **A.** The financial guarantee may be in any form acceptable to the Board.
- **B.** At least ten percent (10%) of the amount of the financial guarantee must be in cash deposited with the County's treasurer and placed in an earmarked escrow account mutually agreeable to the Board and applicant.

Section 14-605 Release of Guarantee. The financial guarantee may be released only when:

- **A.** The permit has been surrendered to the Board before commencement of any physical activity on the site of the permitted Project; or
- **B.** The Project has been abandoned and the site has been returned to its original condition or to a condition acceptable to the County; or
- **C** The Project has been satisfactorily completed; or
- **D.** A phase or phases of the Project have been satisfactorily completed allowing for partial release of the financial guarantee consistent with Project phasing and as determined appropriate by the Board; or
- **E.** The applicable guaranteed conditions have been satisfied.

Section 14-606 Cancellation of the Financial Guarantee. Any financial guarantee may be canceled only upon the Board's written consent, which may be granted only when such cancellation will not detract from the purposes of the security.

Section 14-607 Forfeiture of Financial Guarantee

A. If the Board determines that a financial guarantee should be forfeited because of any violation of the permit, mitigation requirements, conditions or any applicable Regulations adopted by the Board, it shall provide written notice to the surety and the permittee that the financial guarantee will be forfeited unless the permittee makes written demand to the Board, within thirty (30) days after

permittee's receipt of notice, requesting a hearing before the Board. If no demand is made by the permittee within said period, then the Board shall order the financial guarantee forfeited.

- **B.** The Board shall hold a hearing within thirty (30) days after the receipt of the demand by the permittee. At the hearing, the permittee may present for the consideration of the Board statements, documents, and other information with respect to the alleged violation. At the conclusion of the hearing, the Board shall either withdraw the notice of violation or enter an order forfeiting the financial guarantee.
- C. The deposit described above may be used by the Board in the event of the default or allowed default of the permit holder, only for the purposes of recovering on the surety or fulfilling the permit obligation of the permit holder. In the event that the ultimate reviewing court determines that there has been a default by the permit holder, that portion of any moneys expended by the County from the escrow funds relating to such default shall be replaced in the escrow account by the Board immediately following such determination. The County may arrange with a lending institution, which provides money for the permit holder, that said institution may hold in escrow any funds required for said deposit. Funds shall be disbursed out of escrow by the institution to the County upon County's demand for the purpose specified in this section.
- **D.** If the forfeiture results in inadequate revenue to cover the costs of accomplishing the purposes of the financial guarantee, the County's attorney shall take such steps as deemed proper to recover such costs where recovery is deemed possible.
- **Section 14-608 Substitute of Financial Guarantee.** If the license to do business in Colorado of any surety upon a security filed pursuant to this regulation is suspended or revoked by any state authority, then the applicant shall within sixty (60) days after receiving notice thereof, substitute a good and sufficient surety licensed to do business in Colorado. Upon failure of the permittee to make substitution within the time allowed, the Board shall suspend the permit until proper substitution has been made.

DIVISION 7 PERMIT ADMINISTRATION AND ENFORCEMENT

Section 14-701 Enforcement and Penalties

A. Any person engaging in development in the designated Area of State Interest or conducting a designated Activity of State Interest who does not obtain

Section 14-701 Enforcement and Penalties

- a Permit pursuant to these Regulations, who does not comply with Permit requirements, or who acts outside the jurisdiction of the Permit may be enjoined by the County from engaging in such development, and may be subject to such other criminal or civil liability as may be prescribed by law.
- **B.** If the County determines at any time that there are material changes in the construction or operation of the Project from that approved by the County, the Permit may be immediately suspended and a hearing shall be held to determine whether new conditions are necessary to ensure compliance with the approval standards or if the Permit should be revoked.

Section 14-702 Permit Suspension or Revocation

- **A.** The Board may temporarily suspend the Permit for a period of thirty (30) calendar days for any violation of the Permit or the applicable Regulations. The permit holder shall be given written notice of the violation and will have a minimum of fifteen (15) calendar days to correct the violation. If the violation is not corrected, the Permit shall be temporarily suspended for thirty (30) calendar days.
- **B.** The County may revoke a permit granted pursuant to these Regulations if any of the activities conducted by the permittee violates the conditions of the Permit or these Regulations, or the County determines that the project as constructed or operated has impacts not disclosed in the application. Prior to revocation, the permittee shall receive written notice and be given an opportunity for a hearing before the Board. The Board may revoke the Permit or may specify a time by which action shall be taken to correct any violations for the Permit to be retained.
- **Section 14-703 Transfer of Permits.** A Permit may be transferred only with the written consent of the Board. Consent shall be in the sole discretion of the Board. The Board shall ensure, in approving any transfer, that the proposed transferee can and will comply with all the requirements, terms, and conditions contained in the Permit, and these Regulations; that such requirements, terms, and conditions remain sufficient to protect the health, welfare, and safety of the public; and that an adequate guarantee of financial security can be made.
- **Section 14-704 Inspection.** The Board may enter and inspect any property subject to these Regulations at reasonable hours for the purpose of determining whether the activity is in violation of these Regulations.
- **Section 14-705 Judicial Review.** Any action seeking judicial review of a final decision of the Board shall be initiated within thirty (30) calendar days after

the decision is made, in the District Court in and for the County of [*County*], pursuant to Rule 106 of the Colorado Rules of Civil Procedure.

DIVISION 8 DEFINITION OF WORDS AND TERMS

Section 14-801 Definitions. The words and terms used in these Regulations for Areas and Activities of State Interest shall have the meanings set forth below. Where there is a conflict between these definitions and the definitions contained in Article 16, *Definitions* of this Code, these definitions shall control for purposes of this Article 14.

Adverse. Unfavorable, harmful.

Affected Party. Any person with an interest in the outcome of the permit decision for the Project.

Airport. The area comprising land used by aircraft for taking off and landing, together with all adjacent land and facilities used in connection with aircraft and flight operations, existing and proposed.

1. Airports, Publicly Owned. The area comprising Airports owned by a public agency such as the County or a municipal government.

Airport Elevation. The highest point of an airport's usable runway, measured in feet above mean sea level.

Airport Imaginary Surfaces. Imaginary areas in space and on the ground, defined by FAR Part 77, which are established in relation to the Airport and its runways. Imaginary areas are defined by the Primary Surface, Runway Protection Zone, Approach Surface, Horizontal Surface, Conical Surface and Transitional Surface.

- **1. Primary Surface.** A surface longitudinally centered on a runway with dimensions as specified by FAR Part 77.
- 2. Runway Protection Zone (RPZ). An area off the runway end used to enhance the protection of people and property on the ground. The RPZ is trapezoidal in shape and centered about the extended runway centerline. The dimensions are specified in FAA Advisory Circular 150/5300-13.
- **3. Approach Surface.** A surface longitudinally centered on the extended runway centerline and extending outward and upward

from each end of the primary surface. Dimensions are defined by FAR Part 77. The Approach Surface is sometimes designated as the "Approach Zone".

- 4. Horizontal Surface. A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is defined by FAR Part 77.
- **5. Conical Surface.** A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
- 6. Transitional Surface. Those surfaces that extend upward and outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to the point of intersection with the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at a 90 degree angle to the extended runway centerline.

Airport or Heliport Impact Areas.

- 1. **Direct Impact Area.** The area located within 5,000 feet of an Airport runway or 2,000 feet of a Heliport, excluding lands within the Runway Protection Zone and Approach Surface. The Direct Impact Area is sometimes designated as the "Flight Pattern Area".
- 2. Secondary Impact Area. The area located between 5,000 and 10,000 feet from an Airport runway or between 2,000 and 4,000 from a Heliport.

Airport Reference Code. A code comprised of the Aircraft Approach Category and the Airplane Design Group as defined in FAA Advisory Circular 150/5300-13.

Airport Sponsor. The owner, manager, or other person or entity designated to represent the interests of an airport.

Area Around a Rapid or Mass Transit Facility. An area immediately and directly affected by a rapid or mass transit facility as defined herein.

Aspect. The cardinal direction the land surface faces, characterized by northfacing slopes generally having heavier vegetation cover.

Building Restriction Line. A line which identifies suitable building area locations.

Code, or Land Use Code. The [title of county land use code].

Collector Highway. A major thoroughfare serving as a corridor or link between municipalities, unincorporated population centers or recreation areas, or industrial centers, and constructed under guidelines and standards established by, or under the supervision of, the Colorado Department of Transportation. "Collector highway" does not include a city street or local service road or a county road constructed under the supervision of local government.

Designation. That legal procedure specified by Sections 24-65.1-401, 402 and 406, C.R.S., for designating Matters of State Interest. It also includes the revocation and amendment of such designations.

Development. Any construction or activity which changes the basic character or the use of the land on which the construction or activity occurs.

Development Area. Those geographic areas within the County which will be developed or altered directly by construction or operation of the Project.

Efficient Use of Water. The employment of methods, procedures, controls and techniques to ensure the amount of water and the purpose for which water is used in the County will yield the greatest benefit to the greatest number of people. Such benefits will include but are not limited to economic, social, aesthetic, environmental and recreational.

Environment. All natural physical and biological attributes and systems including the atmosphere, climate, geology, soils, groundwater, surface water, wetlands, vegetation, animal life, physical features, natural hazards, topography and aesthetics.

Extension, Major. A major extension is an increase in hydraulic capacity, an upgrade in treatment or transmission capability, an increase in facility size, or a replacement of an existing facility in a new or altered location.

Fixed Guideway. A transportation facility consisting of a separate right-of-way or rail line for the exclusive use of rapid or mass transit vehicles.

FAA. The Federal Aviation Administration.

FAA's Technical Representative. The federal agency providing the FAA with expertise on wildlife and bird strike hazards as they relate to airports. This may include, but is not limited to, the USDAAPHIS-Wildlife Services.

Hazard. As it relates to Airport and Heliport operations, the term hazard shall include any structure, object of natural growth, or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or heliport, or is otherwise hazardous to such landing or takeoff of aircraft.

1. As it relates to bird strike hazards, the term "significant hazard" means a level of increased flight activity by birds across an Approach Surface or runway that is more than incidental or occasional, considering the existing ambient level of flight activity by birds in the vicinity.

Height. The highest point of a structure or tree, plant or other object of natural growth, measured from mean sea level.

Heliport. The area of land, water or a structure used or intended to be used for the landing and takeoff of helicopters, together with appurtenant buildings and facilities.

1. **Heliports, Publicly Owned.** The area comprising Heliports owned by a public agency such as the County or a municipal government.

Helistop. A minimally developed heliport for landing and discharging passengers or cargo not intended for refueling or maintaining itinerant helicopters.

Highway. State and federal highways and major county arterials.

Historical or Archaeological Resources of Statewide Importance. Those resources officially included in the national register of historic places, designated by statute or included in an established list of places compiled by the state historical society, including but not limited to those designated by the Board of County Commissioners in accordance with 30-11-107(1)(b), C.R.S. as amended.

Impact Area (Project). Those geographic areas, including the Development Area, in which any impacts are likely to be caused by the Project.

Interchange. The intersection of two or more highways, roads, or streets at least one of which is an arterial highway. At such intersection there must be direct access to and from the arterial highway.

Landing Strip. A minimally developed airport for landing and discharging passengers or cargo not intended for refueling or maintaining itinerant t aircraft.

Ldn. Day Night Level (DNL/LDN). A 24-hour average noise level with a 10-decibel (dB) penalty for nighttime.

Major Facility of a Public Utility.

- 1. Central office buildings of telephone utilities.
- 2. Transmission lines, power plants, and substations of electrical utilities.
- Pipelines and storage areas of utilities providing natural gas or other petroleum derivatives and includes extensions to those facilities.

Major Publicly Owned Reservoir. Any body of water formed by an embankment or structure 10 feet in vertical height or having a surface area at high water line, in excess of 20 acres, for which public funds have been used in the construction of all or any part of the dam or where a public entity or agency owns or administers the described property. The ownership of stock in a mutual ditch or reservoir company does not constitute ownership or administration. Furthermore, any loan of funds for construction, operation, maintenance, repair or replacement of all or any part of a dam does not constitute the use of public funds.

Mass Transit. A coordinated system of one or more transit modes providing regular transportation to the general public including, but not limited to, bus or rapid transit but not including charter, school bus or sightseeing transportation.

Mass Transit Facility. A station or terminal constructed to provide and facilitate passenger access and egress to a rapid or mass transit system, fixed guideways, dedicated highway lanes restricted to use by only mass transit vehicles, restricted dedicated flyovers and restricted dedicated access to terminals or stations, or highway access and egress facilities restricted to use only by mass transit vehicles.

Mass Transit System. A transportation system providing regular transportation to the general public over one or more transit modes including, but not limited to, bus and rapid transit but not including charter, school bus or sightseeing transportation.

Matter of State Interest. An area of or an activity of state interest or both as listed in §§ 24-65.1-201(1) and 203(1), C.R.S.

Mineral Resource Area. An area in which minerals are located in sufficient concentration in veins, deposits, bodies, beds, seams, fields, pools, or otherwise as to be capable of economic recovery. The term Mineral Resource Area includes any area in which there has been significant mining activity in the past, there is significant mining activity in the present, mining development is planned or in progress, or mineral rights are held by mineral patent or valid mining claim with the intention of mining.

Mitigation. An action that will have one or more of the following effects:

- **1.** Avoiding an impact by not taking a certain action or parts of an action.
- 2. Minimizing impacts by limiting the degree or magnitude of the action or its implementation.
- **3.** Rectifying the impact by repairing, rehabilitating or restoring the impact area, facility or service.
- **4.** Reducing or eliminating the impact over time by preservation and maintenance operations.
- Compensating for the impact by replacing or providing suitable biological and physical conditions and by replacing or providing suitable services and facilities.

Mudflow. The downward movement of mud in a mountain watershed because of peculiar characteristics of extremely high sediment yield and occasional high runoff.

Municipal and Industrial Water Project. A system and all components thereof through which a municipality or industry derives its water supply from either surface or subsurface sources, or which otherwise serves municipal or industrial users.

Natural Resources of Statewide Importance. The term is limited to shorelands of major, publicly owned reservoirs and significant wildlife habitats in which the wildlife species, as identified by the division of wildlife of the department of natural resources, in a proposed area could be endangered.

Net Effect. Relating to mitigation, the impact of an action after mitigation.

Noise Impact Boundary. The areas within 1,500 feet of an airport runway or within established noise contour boundaries exceeding 55 Ldn.

Obstruction. Any structure or tree, plant or other object of natural growth, that penetrates an Airport Imaginary Surface.

Permit. A permit for development in Areas of State Interest or for an Activity of State Interest, issued by the Board of County Commissioners pursuant to this Article 14.

Permit Authority. The Board of County Commissioners, or its designee.

Project. The construction and operation of an activity or other Development proposed under these Regulations throughout its life cycle including all ancillary structures, facilities, improvements, and activities, and all integrated components thereof, and any proposed land use directly related to such project is to be located wholly or partially within the County.

Public Services and Facilities. Those services and facilities provided by a political subdivision of the state or by a federal agency.

Radioactivity. A condition related to various types of radiation emitted by natural or man-made radioactive minerals that occur in deposits of rock, soil, and water.

Rapid Transit. The element of a mass transit system involving a mechanical conveyance on an exclusive lane or guideway, rail trackage, or monorail facility constructed solely for that purpose.

Regulations. Regulations for Areas and Activities of State Interest set forth in this Article 14.

Reservoir (except in the context of the separately defined term "major publicly owned reservoir"). An area of land where water is retained or an area intended for water retention, and which is used or proposed for use in whole or in part for

the storage of municipal water supplies or of water which is part of a domestic water treatment system.

Runway. A defined area on an airport prepared for landing and takeoff of aircraft along its length.

Seismic Effects. Direct and indirect effects caused by an earthquake or an underground nuclear detonation.

Service Area. The primary geographic area to be served by the Project.

Service Road. A street or road meeting County specifications running parallel to a county, state or federal highway used to provide ingress and egress to a development located adjacent to that highway.

Shelter. A building or structure designed primarily to provide a waiting area for transit passengers.

Siltation. A process that results in an excessive rate of removal of soil and rock materials from one location and rapid deposit thereof in adjacent areas.

Shorelands. All lands extending a minimum of 200 feet shoreward of the high water line, and all wetlands associated with a major publicly owned reservoir.

Site Selection, Airport or Heliport. The process for determining the location of Airports or Heliports, or the substantial expansion or relocation of an existing Airport or Heliport, by a recognized and bonafide agency or authority, the County, the state, or the federal government or any subdivision of each.

Site Selection, Rapid or Mass Transit Facility. The process for determining the location of rapid or mass transit facilities or the substantial expansion or relocation of an existing facility, by a recognized and bonafide mass transit agency or authority, the County, the state, or the federal government or any subdivision of each and, or any private entity or person.

Station or Terminal. A facility constructed to provide and facilitate passenger access to and from a rapid or mass transit system including areas necessary for vehicle operations, and parking areas for commuters and roadways connecting to the general road and street system of [*County*]. "Stations" shall include any proposed regularly scheduled stop or planned optional or seasonal boarding point on a rapid transit system. Dedicated park-and-ride facilities with fifty (50) or more parking spaces shall be deemed "stations or terminals" for the purposes of these Regulations, with or without a shelter facility. Shelters alone, or as part of

Structure

traditional bus stops and pull-outs lacking fifty (50) dedicated spaces are not considered "stations or terminals" for the purposes of these Regulations.

Structure. Any constructed or erected object which requires location on the ground or is attached to something located on the ground. Structures include but are not limited to buildings, decks, fences, signs, towers, cranes, flagpoles, antennas, smokestacks, earth formations and overhead transmission lines. Structures do not include paved areas.

Terminal. A facility constructed to provide and facilitate passenger access to and from airplanes, including areas necessary for vehicle operations, and parking areas for commuters and roadways connecting to the general road and street system of the County.

Transportation Corridor. Any County or municipal street or road, any state or federal highway, and any railroad operating as a common carrier.

Water Impoundment. Includes wastewater treatment settling ponds, surface mining ponds, detention and retention ponds, artificial lakes and ponds, and similar water features. A new water impoundment includes an expansion of an existing water impoundment except where such expansion was previously authorized by land use action approved prior to the effective date of these Regulations.

DIVISION 9 FLOWCHARTS

Section 14-901 Designation Process Flowchart.

DESIGNATION PROCESS

AREAS AND ACTIVITIES OF STATE INTEREST Section 14-204

Notice of Proposed Designation and Designation Hearing

Section **14-204 A** [public hearing by Board]

Public Notice

Section 14-204 B

- publish notice of hearing
 [no less than 30 calendar days but no more than 60 calendar days before the hearing]
- notice to affected and interested parties [no less than 30 calendar days but no more than 60 calendar days before the hearing, by certified mail]

Action by Board of County Commissioners

Section 14-204 E

[upon conclusion of the public hearing or within 30 calendar days, adopt, adopt with modifications or reject proposed designation]

1. if Board finds that an area or activity is matter of state interest, Board shall designate and adopt regulations for administration

Recordation with County Clerk

Section 14-204 G

Section 14-902 Major Permit Review Flowchart. **Pre-Application Determination of Level of Permit Review** Conference Section 14-304 B Section **14-303** Notice of Determination of Level of Permit Review Section 14-304 C 1. written notice within 5 calendar days 2. publication of notice of determination of Level of Permit Review not more than 14 calendar days after date of determination **Reconsideration of Decision** Section **14-304 D** 1. call-up by Board: reconsider at next regular meeting for which proper notice can be accomplished 2. request for reconsideration, by affected party: within 7 calendar days following date of written notice of determination Change in Level of Permit Review Section 14-304 E Finding of No Significant MAJOR PERMIT REVIEW PROCESS Impact (FONSI) Section 14-306 Section 14-304 B1 **Application** Section 14-306 B2 [submittal requirements described in Division 4] **Determination of Completeness** Section 14-306 B3 [within 30 calendar days of receipt of application materials] Schedule Public Hearing Notice of Public Hearing by Board Section 14-306 B5 1. publish notice of hearing Section 14-306 B4 [no less than 30 calendar days but no more than 60 [within 30 calendar days of calendar days before the hearing] determination of completeness, county shall 2. notice to adjacent property owners set a date for public hearing] [no less than 30 calendar days but no more than 60 calendar days before the hearing, by certified mail] **Evaluation by Director/Staff Review** Review by Consultant and Section 14-306 B7 **Referral Agencies** [compliance with approval standards in Division 5] Section 14-306 B6 Public Hearing and Decision by Board Section **14-306 B8** [approve, approve with conditions or deny]

APPENDIX A

This Appendix provides examples of the types of concerns that the Board of County Commissioners will take into consideration in determining whether an application for a permit has complied with the approval standards contained in Division 5 of these Regulations.

- A.1 The determination of technical and financial feasibility may include but is not limited to the following considerations:
 - a. Amount of debt associated with the proposed activity.
 - Debt retirement schedule and sources of funding to retire the debt.
 - c. Estimated construction costs and construction schedule.
 - d. Estimated annual operation, maintenance and monitoring costs.
 - e. Market Conditions.
- A.2 The determination of risk from natural hazards may include but is not limited to the following considerations:
 - a. Faults and fissures.
 - b. Unstable slopes including landslides, rock slides and avalanche areas.
 - c. Expansive or evaporative soils and risk of subsidence.
 - d. Wildfire hazard areas.
 - e. Floodplains.
- A.3 The determination of the effects of the proposed activity on capability of local government to provide services or exceed the capacity of service delivery systems may include but is not limited to the following considerations:
 - a. Existing and potential financial capability of local governments to accommodate development related to the proposed activity.

- b. Current and projected capacity of roads, schools, infrastructure, housing, and other services and impact of the proposed activity upon the capacity.
- Changes caused by the proposed activity in the cost of providing education, transportation networks, water treatment and wastewater treatment, emergency services, or other governmental services or facilities.
- d. Changes in short or long term housing availability, location, cost or condition.
- e. Need for temporary roads to access the construction of the proposed activity.
- f. Change in demand for public transportation.
- g. Change in the amount of water available for future water supply in the County.
- A.4 The determination of the effects of the proposed activity on the financial burden of existing or future residents of the County may include but is not limited to the following considerations:
 - a. Changes in assessed valuation.
 - b. Tax revenues and fees to local governments that will be generated by the proposed activity.
 - c. Changes in tax revenues caused by agricultural lands being removed from production.
 - d. Changes in costs to water users to exercise their water rights.
 - e. Changes in costs of water treatment or wastewater treatment.
 - f. Effects on wastewater discharge permits.
 - g. Inability of water users to get water into their diversion structures.
 - h. Changes in total property tax burden.

- A.5 The determination of the effects of the proposed activity on any sector of the local economy may include but is not limited to the following considerations:
 - a. Changes to projected revenues generated from each economic sector.
 - b. Changes in the value or productivity of any lands.
 - c. Changes in opportunities for economic diversification.
- A.6 The determination of effects of the proposed activity on recreational opportunities and experience may include but is not limited to the following considerations:
 - a. Changes to existing and projected visitor days.
 - b. Changes to duration of kayaking and rafting seasons.
 - c. Changes in quality and quantity of fisheries.
 - d. Changes in access to recreational resources.
 - e. Changes to quality and quantity of hiking trails.
 - f. Changes to the wilderness experience or other opportunity for solitude in the natural environment.
 - g. Changes to hunting.
 - h. Changes to the quality of the skiing experience.
- A.7 The determination of effects of the proposed activity on air quality may include but is not limited to the following considerations:
 - a. Changes to seasonal ambient air quality.
 - b. Changes in visibility and microclimates.
 - c. Applicable air quality standards.
- A.8 The determination of visual effects of the proposed activity may include but is not limited to the following considerations:

- a. Visual changes to ground cover and vegetation, waterfalls and streams, or other natural features.
- Interference with viewsheds and scenic vistas.
- Changes in appearances of forest canopies.
- d. Changes in landscape character types or unique land formations.
- e. Compatibility of building and structure design and materials with surrounding land uses.
- A.9 The determination of effects of the proposed activity on surface water quality may include but is not limited to the following considerations:
 - a. Changes to existing water quality, including patterns of water circulation, temperature, conditions of the substrate, extent and persistence of suspended particulates and clarity, odor, color or taste of water.
 - b. Applicable narrative and numeric water quality standards.
 - c. Changes in point and nonpoint source pollution loads.
 - d. Increase in erosion.
 - e. Changes in sediment loading to waterbodies.
 - f. Changes in stream channel or shoreline stability.
 - g. Changes in stormwater runoff flows.
 - h. Changes in trophic status or in eutrophication rates in lakes and reservoirs.
 - i. Changes in the capacity or functioning of streams, lakes or reservoirs.
 - j. Changes in flushing flows.
 - k. Changes in dilution rates of mine waste, agricultural runoff and other unregulated sources of pollutants.

- A.10 The determination of effects of the proposed activity on groundwater quality may include but is not limited to the following considerations:
 - a. Changes in aquifer recharge rates, groundwater levels and aquifer capacity including seepage losses through aquifer boundaries and at aquifer-stream interfaces.
 - b. Changes in capacity and function of wells within the impact area.
 - c. Changes in quality of well water within the impact area.
- A.11 The determination of effects of the proposed activity on wetlands and riparian areas may include but is not limited to the following considerations:
 - a. Changes in the structure and function of wetlands.
 - b. Changes to the filtering and pollutant uptake capacities of wetlands and riparian areas.
 - c. Changes to aerial extent of wetlands.
 - d. Changes in species' characteristics and diversity.
 - e. Transition from wetland to upland species.
 - f. Changes in function and aerial extent of floodplains.
- A.12 The determination of effects of the proposed activity on terrestrial or aquatic life may include but is not limited to the following considerations:
 - a. Changes that result in loss of oxygen for aquatic life.
 - b. Changes in flushing flows.
 - c. Changes in species composition or density.
 - d. Changes in number of threatened or endangered species.
 - e. Changes to habitat and critical habitat, including calving grounds, mating grounds, nesting grounds, summer or winter range, migration routes, or any other habitat features necessary for the protection and propagation of any terrestrial animals.

- f. Changes to habitat and critical habitat, including stream bed and banks, spawning grounds, riffle and side pool areas, flushing flows, nutrient accumulation and cycling, water temperature, depth and circulation, stratification and any other conditions necessary for the protection and propagation of aquatic species.
- g. Changes to the aquatic and terrestrial food webs.
- A.13 The determination of effects of the proposed activity on terrestrial plant life or habitat may include but is not limited to the following considerations:
 - a. Changes to habitat of threatened or endangered plant species.
 - b. Changes to the structure and function of vegetation, including species composition, diversity, biomass, and productivity.
 - c. Changes in advancement or succession of desirable and less desirable species, including noxious weeds.
 - d. Changes in threatened or endangered species.
- A.14 The determination of effects of the proposed activity on soils and geologic conditions may include but is not limited to the following considerations:
 - a. Changes to the topography, natural drainage patterns, soil morphology and productivity, soil erosion potential, and floodplains.
 - b. Changes to stream sedimentation, geomorphology, and channel stability.
 - c. Changes to lake and reservoir bank stability and sedimentation, and safety of existing reservoirs.
 - d. Changes to avalanche areas, mudflows and debris fans, and other unstable and potentially unstable slopes.
 - e. Exacerbation of seismic concerns and subsidence.
- A.15 The determination of the risks of a release of hazardous materials from the proposed activity may include but is not limited to the following considerations:

- a. Plans for compliance with federal and state handling, storage, disposal and transportation requirements.
- b. Use of waste minimization techniques.
- c. Adequacy of spill prevention and response plans.

APPENDIX B

Example AVIGATION AND HAZARD EASEMENT

WHEREAS, (full name of property owner(s)) hereinafter called the Grantors, are the owners in fee of that certain parcel of land situated in the City of, County of, State of
, more particularly described as follows:
(Full description of property to be covered by easement)
hereinafter called "Grantors' property," and outlined on the attached map (Exhibit 1);
NOW, THEREFORE, in consideration of the sum ofdollars
(\$) and other good and valuable consideration, the receipt and
sufficiency of which is hereby acknowledged, the Grantors, for themselves, their
heirs, administrators, executors, successors, and assigns, do hereby grant,
bargain, sell, and convey unto (owner and operator of airport, i.e., City of) hereinafter called the Grantee, its successors and
assigns, for the use and benefit of the public, as easement and right of way, appurtenant to (full name of airport) or the unobstructed passage of all aircraft,
("aircraft" being defined for the purpose of this instrument of any contrivance now
known or hereafter invented, used, or designed for navigation of or flight in the air) by whomsoever owned and operated.
In the air space above Grantors' property above an imaginary plane rising and extending in a general (i.e., Easterly) direction over Grantors' property, said imaginary plane running from approximately (i.e., 25) feet Mean Sea level above Point A on Exhibit 1 at the rate of one foot vertically for each (i.e., 50) feet horizontally to approximately (i.e., 55) feet Mean Sea level above Point B on Exhibit 1, to an infinite height above said
imaginary plane, (OR USE THE FOLLOWING)
in the air space above Grantors' property above a Mean Sea level of (i.e., 150), feet, to an infinite height above said Mean Sea level of (i.e., 150)
feet,
(OR USE THE FOLLOWING)
in all air space above the surface of Grantors' property, to an infinite height above said Grantors' property. ¹
Together with the right to cause in all air space above the surface of Grantors'

¹ Alternative language depending upon desired coverage of easement

property such noise, vibrations, fumes, dust, fuel particles, and all other effects that may be caused or may have been caused by the operation of aircraft landing at, or taking off from, or operating at or on said(full name of airport).
The easement and right of way hereby granted includes the continuing right in
the Grantee to prevent the erection or growth upon Grantors' property of any building, structure, tree, or other object, extending into the air space above the aforesaid imaginary plane, (OR USE THE FOLLOWING) extending into the air space above the said Mean Sea level of (i.e., 150)
feet,
(OR USE THE FOLLOWING)
extending into the air space above the surface of Grantors' property; and to remove from said air space, or at the sole option of the Grantee, as an alternative, to mark and light as obstructions to air navigation, any such building, structure, tree or other objects now upon, or which in the future may be upon Grantors' property, together with the right of ingress to, egress from, and passage over Grantors' property for the above purposes. TO HAVE AND TO HOLD said easement and right of way, and all rights appertaining thereto unto the Grantee, its successors, and assigns, until said (full name of airport) shall be abandoned and shall cease to be used for public airport purposes.
AND for the consideration hereinabove set forth, the Grantors, for themselves, their heirs, administrators, executors, successors, and assigns, do hereby agree that for and during the life of said easement and right of way, they will not hereafter erect, permit the erection or growth of, or permit or suffer to remain upon Grantors' property any building, structure, tree, or other object extending into the aforesaid prohibited air space, and that they shall not hereafter use or permit or suffer the use of Grantors' property in such a manner as to create electrical interference with radio communication between any installation upon said airport and aircraft, or as to make it difficult for flyers to distinguish between airport lights and others, or as to impair visibility in the vicinity of the airport or as otherwise to endanger the landing, taking off, or maneuvering of aircraft, it being understood and agreed that the aforesaid covenants and agreements shall run with the land.
In consideration of the premises and to assure Grantee of the continued benefits accorded it under this Easement, (name of mortgagee), owner and holder of a mortgage dated and recorded covering the premises above described, does hereby
covenant and agree that said mortgage shall be subject to and subordinate to
this Easement and the recording of this Easement shall have preference and
precedence and shall be superior and prior in lien to said mortgage irrespective

of the date of the	ne making or recording of sai	d mortgage instrument. ²
IN WITNESS V	VHEREOF, the Grantors have	e hereunto set their hands and seals
this	day of	, 20
Signed, sealed	, and delivered in the presen	ce of:
		(SEAL)
		(SEAL)
(Notarial Ackno	owledgment)	

 $^{^2}$ Local recordation and subordination practices must also be met. If subordination is necessary, in which case the mortgagee must join in the agreement, the above language is suggested.